



# Oregon

Theodore R. Kulongoski, Governor

## Public Utility Commission

550 Capitol St NE, Suite 215

**Mailing Address:** PO Box 2148

Salem, OR 97308-2148

### Consumer Services

1-800-522-2404

Local: (503) 378-6600

### Administrative Services

(503) 373-7394

May 2, 2006

OREGON PUBLIC UTILITY COMMISSION  
ATTENTION: FILING CENTER  
PO BOX 2148  
SALEM OR 97308-2148

RE: **OPUC Docket No. AR 507** - In the Matter of a Rulemaking Regarding Connection of Energy Utility Service.

Enclosed for filing in the above-captioned docket is the Public Utility Commission Staff's AR 507 Comments. As a courtesy, the interested persons identified on the Commission's service list were also provided an electronic copy of these documents.

*/s/ Diane Davis*

Diane Davis  
Regulatory Operations Division  
Filing on Behalf of Public Utility Commission Staff  
(503) 378-4372

CERTIFICATE OF SERVICE

AR 507

I certify that I have, this day, served Comments of Oregon PUC Staff, May 2, 2006, upon all participants of record in this proceeding by electronic mail as indicated on the service list below.

Dated at Salem, Oregon, this 2nd day of May, 2006.

---

Diane Davis  
On behalf of the Staff of the  
Public Utility Commission of Oregon

<b>AVISTA UTILITIES</b> <a href="mailto:linda.gervais@avistacorp.com">linda.gervais@avistacorp.com</a> <a href="mailto:debbie.williams@avistacorp.com">debbie.williams@avistacorp.com</a>	<b>CASCADE GAS CORPORATION</b> <a href="mailto:dbanry@cngc.com">dbanry@cngc.com</a>
<b>CASCADE NATURAL GAS</b> <a href="mailto:kbarnard@cngc.com">kbarnard@cngc.com</a> <a href="mailto:twainwri@cngc.com">twainwri@cngc.com</a>	<b>CITIZENS' UTILITY BOARD OF OREGON</b> <a href="mailto:lowrey@oregoncub.org">lowrey@oregoncub.org</a> <a href="mailto:bob@oregoncub.org">bob@oregoncub.org</a>
<b>IDAHO POWER COMPANY</b> <a href="mailto:mbrilz@idahopower.com">mbrilz@idahopower.com</a> <a href="mailto:mheintzelman@idahopower.com">mheintzelman@idahopower.com</a> <a href="mailto:ttatum@idahopower.com">ttatum@idahopower.com</a>	<b>NORTHWEST NATURAL</b> <a href="mailto:ldd@nwnatural.com">ldd@nwnatural.com</a> <a href="mailto:ork@nwnatural.com">ork@nwnatural.com</a>
<b>PACIFIC POWER &amp; LIGHT</b> <a href="mailto:joy.brotherton@pacificorp.com">joy.brotherton@pacificorp.com</a> <a href="mailto:jason.hoffman@pacificorp.com">jason.hoffman@pacificorp.com</a>	<b>PORTLAND GENERAL ELECTRIC</b> <a href="mailto:terri.bowman@pgn.com">terri.bowman@pgn.com</a> <a href="mailto:jennifer.busch@pgn.com">jennifer.busch@pgn.com</a> <a href="mailto:george.kuiawa@pgn.com">george.kuiawa@pgn.com</a> <a href="mailto:frank.masser@pgn.com">frank.masser@pgn.com</a> <a href="mailto:inara.scott@pgn.com">inara.scott@pgn.com</a>
<b>PACIFICORP</b> <a href="mailto:carole.rockney@pacificorp.com">carole.rockney@pacificorp.com</a>	

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

AR 507

In the Matter of a Rulemaking Regarding )  
Connection of Energy Utility Service )

**OREGON PUC  
STAFF'S COMMENTS**

The Public Utility Commission Staff (Staff) submits the following comments and recommendations regarding the rules proposed in AR 507.

Staff proposes the Commission adopt two rules, 860-021-0328 Reconnection of Residential Energy Utility Service (Reconnection rule) and 860-021-0057 Connection of Residential Energy Utility Service (Connection rule). The rules are designed to balance the rights and responsibilities of both energy utilities and their customers and as proposed represent a compromise between the regulated energy utilities, the Citizens' Utility Board (CUB), and Staff.

By establishing minimum standards for the provision of reconnection and connection of energy service through approval of these rules, the Commission sends a clear directive to the energy utilities of its expectations but does not in any way limit a utility from offering a higher standard of service, if it chooses to do so by modifying its tariffs.

The rules create a level playing field for the utilities as they are all held to the same minimum service standards. From a customer's perspective, the rules explicitly set forth the level of service a customer has a right to expect and the customer's responsibilities.

Staff conducted three workshops that were held at the PUC building on April 4, April 13, and April 20. All of the regulated energy utilities, CUB, PUC Utility Program Staff, and PUC Consumer Services Staff participated in all of the workshops either in person or by telephone. The process began with the group's consideration of the rules originally proposed by Staff when it requested the Commission initiate AR 507. After the first two workshops, Staff analyzed the comments and suggested language changes provided by the participants and where appropriate, modified the proposed rules accordingly. Staff then sent out the modified draft before the next workshop. After the last workshop, Staff sent out the final draft by e-mail to give the participants an additional opportunity to propose changes. Staff modified the draft and the following rules are the result of the above process.

The Reconnection rule is Staff's proposed permanent rule to replace temporary rule 860-021-0328 that was adopted on an emergency basis by the Commission on February 17, 2006. The major difference between the two rules is that the temporary rule

only applied to natural gas utilities and their customers while the proposed permanent rule applies to all energy utilities and their customers.

The purpose of the Reconnection rule is to ensure timely reconnection of energy utility service. As Staff investigated the issues surrounding reconnection of energy utility service it became evident that connection of service should also be addressed by rule for the same reasons mentioned above, and also to ensure that a utility's efforts to reconnect a customer would not affect the level of service provided to a customer who has requested to have service initiated. The Connection rule OAR 860-021-0057 is designed to ensure this goal is accomplished.

Some of the utilities have expressed concerns about implementing these proposed rules as they require a departure from the service the utilities have provided in the past. A major concern is based on the terms of the current negotiated union employee contracts that, according to the utilities, appear to limit their ability to consistently meet the requirements of these rules. From that concern springs the issue, particularly pertinent to those utilities that are operating or will soon be operating under a Service Quality Measure, that they will be at a higher risk for at-fault complaints as they attempt to change their operations to meet the new standards required by these rules. The utilities claim this is a valid concern (even though most of the utilities generally meet or exceed the standards in these rules) because the service standards would be driven by rule, rather than by a utility's internal policy. One utility suggested the rules should not apply to it because it has only a small customer base which is not centralized.

Staff understands the utilities' concerns and acknowledges that changes, even when they are appropriate, can be somewhat difficult and time consuming to implement. Staff acknowledges that developing a new procedure can take time, and then during implementation a series of adjustments is usually necessary to ensure that the new procedure is working appropriately. Staff has advised the utilities that the current Division 21 rule 860-021-0005 allows a utility to request a waiver of any of the Division 21 rules, including the new rules if they are adopted by the Commission. Staff would support and encourage the Commission to grant a utility's petition for a temporary waiver of some of the requirements of these rules for good cause, if the petition included a reasonable transition plan, and a date certain when full compliance with the rules would be implemented.

Below, Staff provides an explanation, and the reasons for support, of each rule section. Staff's comments are italicized following each section of the proposed rules.

860-021-0328

**Reconnection of Residential Energy Utility Service**

**(1) This rule applies to a service reconnection requested within 20 calendar days of the date of disconnection, after an applicant or customer has satisfied the requirements for service under all applicable rules and regulations, and requested reconnection.**

*This section specifies to whom, and under what circumstances, the rule applies. An applicant or customer who waits more than 20 days to request reconnection of service after either a voluntary or involuntary disconnection may request connection under proposed rule 860-021-0057. This timeframe coincides with the definition of a “customer” previously established in OAR 860-021-0008 Definitions for Regulation of Utility Service. The purpose of the 20-day requirement is particularly important to natural gas utilities because it assists the utilities in managing their work loads. A more detailed explanation of this issue is in Staff’s comments under 860-021-0057(4).*

*This section also makes it clear that a simple customer request for reconnection does not require the utility to reconnect service. Until a customer has met all of the requirements to receive service and has requested it, the deadlines for reconnection under this rule do not apply.*

**(2) Each energy utility must provide a means by which an applicant or customer may contact the utility on a Business Day so that the applicant or customer may pay applicable charges, submit any necessary credit information, and request reconnection of service. A Business Day is defined as Monday through Friday, 8:00 a.m. to 5:00 p.m., excluding state-recognized holidays.**

*The section prescribes when a utility must be open for business, but it also defines the hours during which a customer must contact the utility to arrange for service, under various sections of this rule.*

*In the course of its investigation, Staff found that the utilities meet the standard required in this section most of the time. The exception was that some of the utilities have established the day after Thanksgiving as a “utility-recognized” holiday and so customers have not been able to arrange for reconnection of service for four days, from Thursday (Thanksgiving) through Sunday. Staff agreed with CUB that a customer should not have to wait four days to satisfy the requirements for and request reconnection of service.*

**(3) For energy utility service that has been disconnected in accordance with OAR 860-021-0305 (1), (3), (6), (7), or involuntarily disconnected for failure to pay Oregon tariff charges:**

**(a) An energy utility must reconnect service as soon as reasonably possible, within the normal course of business, after an applicant or customer has satisfied the requirements for and requested reconnection. At a minimum, service must be restored as follows:**

**(i) For a request for reconnection received during the Business Day, Monday through Thursday, service must be restored by 5:00 p.m. the following day, except when the following day is a state-recognized holiday.**

**(ii) For a request for reconnection received on a Friday Business Day before 3:00 p.m., service must be restored by 5:00 p.m. the following day.**

**(iii) For a request for reconnection received on a Friday Business Day between 3:00 p.m. and 5:00 p.m., service must be restored by the end of the next Business Day.**

**(b) For a request for reconnection received anytime other than a Business Day: Except as provided under section (6) of this rule, the request for reconnection must be treated as if it were received at 8:00 a.m. on the next Business Day and service must be restored in accordance with (3)(a)(i).**

*The purpose of this rule is to set forth the timeframe in which a utility must reconnect service after a customer has satisfied the requirements and requested service. Section (a)(ii) was added in response to some of the utilities' concerns that the rules required them to provide reconnection service on Saturdays which is not a service they have offered in the past. The utilities' argument was that because a customer cannot be disconnected on a Friday, a request for reconnection made on Friday should not have to be filled until the following Monday, or Tuesday if Monday is a holiday. Staff's concern, confirmed by CUB, is that the day of the week that service is disconnected is separate from when a customer is able to raise sufficient funds to be eligible for reconnection. For example, there is a sector of customers who are paid once a week, typically on Friday afternoons, and the day their service is disconnected is less relevant than when they are paid. Staff and CUB agreed to a reasonable compromise, proposed by the utilities, that a customer request for reconnection under this rule be limited on Fridays to 3 p.m. This limitation gives a utility a two-hour window in which to reconnect service during regular business hours and, with the use of occasional overtime, avoid any requirement to schedule a reconnection on Saturdays.*

*In this rulemaking, Staff originally proposed that a utility have 24 hours to reconnect service. This is the timeframe for reconnection of service that is established in the states of Washington and Idaho. Except for PGE, all of the energy utilities serve one or both of these states. It is logical to assume the utilities have already implemented compliance procedures for their operations in those states and, if Oregon adopted a 24-hour requirement, the utilities would simply need to extend their existing procedures to Oregon operations.*

*Staff felt that the 24-hour requirement was a reasonable requirement for a permanent rule, even though the Commission approved a different standard for the temporary rule. The temporary rule was adopted on an emergency basis during the winter heating season, which is typically the utilities' busiest season. As an emergency rule, it went immediately into effect and the utilities did not have time to plan for the transition to a new standard. If the 24-hour standard were adopted in this rulemaking, the utilities would have time to plan, and implementation would take place in the slower spring and summer seasons.*

*For this rulemaking, most of the utilities originally proposed that reconnection should not be required until the end of the next business day following a request. This standard mirrored the proposal made by a utility during the temporary rulemaking that was*

*rejected by the Commission. Staff and CUB opposed this standard because of the potential for a customer to be without service for unreasonable lengths of time.*

*The rule, as currently proposed above, was thoroughly discussed during the workshops as a reasonable compromise between the original positions.*

*One energy utility has suggested that if a utility is not able to reconnect service until after 5:00 p.m. of the day following a request for reconnect, it should be able to avoid an at-fault designation for a rule violation on any complaint filed with the Commission's Consumer Services Division. Staff does not agree with the proposal because it isn't reasonable for a utility to expect to avoid an at-fault designation if, during the normal course of business, it is not able to meet the requirements of a rule. Staff is concerned that the effectiveness of the rule will be diluted. For example, of particular concern is that the staffing levels a utility might choose to deploy would be different if there is no consequence for non-compliance. Based on Staff's research, the standard for reconnection of energy utility service was, until quite recently, the same day as requested by the customer. As energy utility service providers have begun streamlining processes so that their field staff achieve greater efficiencies, some of the utilities are attempting to schedule all field work, which by its nature is quite variable, with strict scheduling methods that leave very little, if any, room for flexibility. Staff does not believe this shift in utility practice necessarily serves the utilities' customers, as the funds for sufficient employees are already included in the utilities' rates. Staff believes the more likely group to benefit from such changes are the utilities' stockholders. Most importantly, Staff believes the rules are for the protection of the customer as well as the utility. Within the normal course of business, Staff does not believe it is reasonable to expect a customer to be satisfied that their rights are being protected when they are forced to accept a level of service where a utility may or may not meet the requirements of the rule by arriving by 5:00 p.m. A customer who has taken a day or part of a day off from work (sometimes without pay) to wait for a utility should not have to continue to indefinitely stay put into the evening to wait for the arrival of the utility. Staff believes the provisions of section (9) of this rule provide an appropriate level of protection to a utility that is not able to meet a rule requirement due to some reason outside of its control.*

**(4) For energy utility service that has been involuntarily disconnected in accordance with OAR 860-021-0305(2), or due to meter tampering, diverting service, or theft of service, an energy utility must reconnect service as soon as reasonably possible, within the normal course of business, but no later than 5:00 p.m. of the next Business Day after the customer has satisfied the requirements for and requested reconnection.**

*This rule is Staff's proposed compromise to some of the utilities' objections that reconnection of service following disconnection for reasons such as theft of service or meter tampering should not be subject to rule. The basis of the utility objection is that the circumstances driving disconnection, subject to reconnection under this rule, are often complex and resolution may take an extended period of time. In addition,*

*reconnection may have to be arranged with the local law enforcement office so that field technicians are protected. Staff's position is that all customers of a regulated utility have the right to a timely reconnection of service, once requirements are met, and this rule clearly states that this rule is not in effect until a customer does meet reconnection requirements. Staff also agrees that it is reasonable for reconnection to be required on the next Business Day.*

**(5) For energy utility service that has been involuntarily disconnected in accordance with OAR 860-021-0315, service will be reconnected in accordance with section (4) of this rule. If the necessity for emergency termination was through no fault of the customer, the energy utility will reconnect in accordance with section (3) of this rule, at no charge to the customer.**

*This rule sets out reasonable reconnection requirements for service disconnected for safety purposes. It is reasonable to have two standards of service for reconnection that apply to a safety disconnection made under OAR 860-021-0315 that was due to something either within or outside of the customer's control.*

**(6) An applicant or customer may request reconnection that falls outside of the requirements of sections (3), (4), and (5) of this rule and, for purposes of this rule, such a request will be defined as an After Hours Reconnect. The tariff of each energy utility must specify the hours other than a Business Day when the energy utility will offer an After Hours Reconnect, the terms of the service, and the applicable charges.**

**(a) At a minimum, an energy utility must:**

**(i) Provide a means by which an applicant or customer may contact the utility Monday through Friday from 8:00 a.m. to 6:00 p.m., excluding state- or utility-recognized holidays, so that the applicant or customer may pay applicable charges, submit any necessary credit information and request an After Hours Reconnect.**

**(ii) Allow, for a customer request made in accordance with (6)(a)(i), an After Hours Reconnect on the same day as the request, or allow an After Hours Reconnect to be scheduled for any subsequent Monday through Friday, except for state- or utility-recognized holidays.**

**(b) The utility must notify a customer verbally or in writing of the customer's right to an After Hours Reconnect. The notification must include information that the charges associated with a same day or a scheduled After Hours Reconnect exceed the utility's standard reconnection charge.**

*Currently, a customer has no inherent right to have service reconnected anytime other than Monday through Friday, 8:00 a.m. to 5:00 p.m. Although energy utilities generally have tariffed After Hours Reconnect rates, the decision of whether to accept a customer request for an After Hours Reconnect is usually left to the utility's discretion.*

*In the past, the option of an After Hours Reconnect was not the issue it is today as it was common for only one adult in a two adult household to work outside of the home. When*



*the lifestyles of today's utility customers are considered, Staff believes it is no longer appropriate for a utility to limit reconnection service from Monday through Friday, 8:00 a.m. to 5:00 p.m. With the predominance of one or two adult households where all adults work outside of the home, customers have the right to expect an updated level of service from their regulated utility.*

*This rule requires the utility to make After Hours Reconnects available Monday through Friday, except for state- and utility-recognized holidays, if a customer has met the requirements for and requested reconnection. The rule requires a utility to notify the customer that After Hours Reconnects are available and that the cost of After Hours Reconnects exceeds the utility's standard reconnection fee. There are two types of After Hour Reconnects required by this rule, the first is a same day reconnection that could be considered more of an emergency option that would be made available to customers who need immediate service and are willing to pay a higher cost. The second type of After Hours Reconnect is one that a customer could schedule for a subsequent evening, as provided for in this rule.*

*On the surface it might appear that the requirement that a utility take calls for After Hours reconnections until 6:00 p.m. conflicts with the requirement in section 2 of this rule where a utility must maintain business hours from 8:00 a.m. to 5:00 p.m. However, Staff views the requirements as different because this rule only requires the utility to provide customer access from 5:00 p.m. to 6:00 p.m. for the purpose of requesting an After Hours Reconnect. Staff's view is that a utility that closes its business office at 5:00 p.m. could arrange an alternative to its regular business office so that it could still receive reconnection calls from 5:00 p.m. to 6:00 p.m. The utility would have the option of deflecting incoming calls made for some reason other than an After Hours Reconnect until the next day that its Business office is open. Conversely, a utility's choice to provide extended business office hours also doesn't change the minimum requirements of any of the rules. It is up to the utility to decide whether it would like to provide in its tariffs for a higher standard of service than the minimum requirements of this rule.*

**(7) Utility fees for service reconnection must be charged as follows:**

**(a) An applicant or customer must pay the utility's standard reconnection fee for a reconnection made under Section (3)(a) or (3)(b) of this rule.**

**(b) An applicant or customer must pay an After Hours Reconnect fee for any reconnection made under (6)(a) of this rule. For an After Hours Reconnect that is completed the same day as the request, the reconnection fee will be higher than for an After Hours Reconnect scheduled for a subsequent day.**

*This section requires each utility to establish, at a minimum, a three-tier reconnection fee.*

*The first level is referred to as a utility's standard reconnection fee and would apply to all<sup>1</sup> reconnections except After Hours Reconnects. Reconnection fees made After Hours would be divided into two tiers.*

*The lower tier would apply to After Hours Reconnects that are scheduled in advance and the second tier would apply to After Hours Reconnects made the same day as the request. A least one participant in this rulemaking supports the higher fee for a same day After Hours Reconnect as an option, rather than as a requirement. From a policy perspective, Staff recommends the Commission adopt two tiers for After Hours Reconnect fees for the following reasons: The purpose of an administrative rule is to protect an individual's rights, as well to look after the interests of ratepayers as a whole. Staff does not believe in this case that it is in the best interest of ratepayers to adopt a policy that is more than likely to incur significantly higher costs, when they can be avoided. Higher costs for same day reconnects are more likely because a utility will not have as much flexibility to incorporate a same-day service request into an existing schedule, which would then result in the utility incurring the cost of a "call-out"<sup>2</sup> rather than simple employee overtime. Staff believes it is critical for a customer to have the option of a same-day After Hours Reconnect but believes the cost for this service should be borne by the customer who requests the service. Because of the potential for much higher costs, Staff does not support adoption of a rule that would encourage a customer to request a same day reconnect on a routine basis. Staff also is concerned that adopting a policy where a higher fee is optional, increases the potential for discrimination between similarly situated customers.*

**(8) Reconnection of service following an interruption of service must comply with the requirements of OAR 860-021-0021.**

*The purpose of this rule is to avoid any confusion that reconnection of service under this rule applies to restoration of service as covered in OAR 860-021-0021.*

**(9) With Commission concurrence, the reconnection requirements under this rule may be temporarily waived for any cause not reasonably within the control of the utility including, but not limited to, the following:**

**(a) A documented Force Majeure event;**

---

<sup>1</sup> This does not change a utility's right to charge additional fees that are associated with a reconnection. For example an extra fee may apply when service had to be disconnected at some place other than at the customer's meter.

<sup>2</sup> A "callout" is an industry term that refers to a service person being called back to work after the employee's normally scheduled hours. Most utility/union contracts specify how the employee must be paid and generally the requirement is a minimum of two hours of overtime plus a meal.

- (b) An action or default by an applicant, customer, or other person outside of the utility's control, including a cancellation of the request made by the applicant or customer;**
- (c) Major events, such as storms or system outages;**
- (d) Safety-related issues which preclude the utility from reconnecting service;**
- (e) The applicant's or customer's facilities cannot be accessed due to circumstances beyond the utility's control;**
- (f) The utility's equipment or facilities prevent the reconnection from occurring; or**
- (g) When the Commission approves a waiver.**

*At the beginning of this rulemaking one of the energy utilities suggested that the phrase "must make every reasonable effort" be added to the deadlines for reconnection of service that are included in this rule. The purpose of the request was to provide consideration for those times when a utility, through no fault of its own, simply cannot meet the requirements. Staff did not support that suggestion because the term is vague and creates an opening for endless debate over what is a reasonable effort. Staff suggested the addition of this section as a compromise to provide some measure of security to the energy utilities that adoption of this rule does not imply that there would never be a legitimate reason why a utility could not meet the requirements.*

Stat. Auth.: ORS Ch. 183 & 756  
Stats. Implemented: ORS 756.040  
Hist.: NEW

**860-021-0057**

**Connection of Residential Energy Utility Service**

**(1) This rule applies to the connection of energy service for an applicant or customer who has satisfied the requirements of all applicable rules and regulations, and requested connection. This rule applies for connection at a location with existing service facilities where the utility need only activate service, or after any necessary line extension, construction or repair work has been completed.**

*This rule applies to a customer request for new service and to customer requests for reconnection that are not covered under proposed rule 860-021-0328 because a request for reconnection was not made within 20 days of disconnection. Using 20 days as a basis for providing a level of service coincides with the definition for customer previously established in OAR 860-0210.*

**(2) Each energy utility must provide a means by which an applicant or customer may contact the utility on a Business Day so that the applicant or customer may pay applicable charges, submit any necessary credit information and request connection of service. For purposes of this rule, Business Day is defined as Monday through Friday, 8:00 a.m. to 5:00 p.m., excluding state- or utility-recognized holidays.**

*The requirements of this rule are different than those applicable to the previous rule for reconnection of service. In Staff's view, connection of service is normally planned for in advance by a customer and is not subject to the same urgency as a customer requesting reconnection of service within 20 days of being disconnected. Thus, Staff does not support a requirement for a utility to provide customer access during utility-recognized holidays for the purpose of accepting a request for connection of service.*

**(3) An energy utility must connect service as soon as reasonably possible, within the normal course of business, after an applicant or customer has satisfied the requirements for and requested connection. At a minimum, service must be connected within two Business Days, except as provided in section (4) of this rule.**

*All participants in this rulemaking agree that two business days is a reasonable amount of time for a customer to expect connection of service.*

**(4) This section only applies to a natural gas service connection that is completed between September 15 and November 15 of each year, at an address where the applicant received service at any time during the past 12 months that was disconnected, but not reconnected within 20 days. Service must be connected as soon as reasonably possible, within the normal course of business, after an applicant or customer has satisfied the requirements for and requested connection. At a minimum:**

**(a) Service must be connected within two (2) Business Days when the applicant's prior service at the address was disconnected from August 15 to November 15 of the current year.**

**(b) Service must be connected within five (5) Business Days when the applicant's prior service at the address was disconnected from November 16 of the previous year to August 14 of the current year.**

*When a customer decides to reestablish service is an issue that primarily affects natural gas utilities. This section was structured to assist natural gas utilities in the management of their field work during the peak seasonal demand for service connections that is commonly referred to as the light-up season, while minimizing costs for ratepayers as a whole. The light-up season typically occurs annually between September 15 and November 15, as soon as the weather turns cold. When a natural gas utility reconnects service it is generally a more labor-intensive process, than the one required by an electric utility to connect service, because it includes lighting a customer's appliances. It is not uncommon for a natural gas customer whose service has been disconnected either voluntarily or involuntarily during the spring or summer months to wait until the weather turns cold before requesting service be restored.*

*During discussions at the workshops the participants agreed that it is appropriate, from a customer service aspect as well as the financial one that affects all ratepayers, to base the requirement of when a natural gas utility must complete a service connection made during the light up season on when a customer's service was disconnected.*

*The requirement that service be connected within two business days applies to customers whose service was disconnected during the period beginning one month before and extending through the light-up season, ending on November 15. Staff suggested this section in response to CUB's concern raised at one of the workshops that customers may be forced to wait more than 20 days to request service, for reasons outside of their control. The examples we discussed include a situation where a low-income customer may need more than 20 days to raise sufficient funds to pay the utility and qualify for service, or where completion of a remodeling project may be delayed.*

*The requirement that service be connected within 5 business days applies to customers whose service was disconnected sometime other than between August 15 and November 15. Staff believes it is a reasonable expectation for a customer to give a utility 5 business days notice for connection of service during the utility's busiest time of the year, when the customer has not previously been concerned about when service was reconnected.*

*One utility stated that the timeframes and differences in requirements that are part of this rule were confusing. The utility suggested that all reconnections under this rule should be completed within two business days, irrespective of when the service was disconnected. However, Staff heard concerns about that proposal from other natural gas utilities, whose customers are more sparsely located over service territories that cover larger geographical areas. These utilities, while affirming that connection within two*

*business days would always be their goal, said they might have difficulties meeting that timeframe due to the distances a technician must often travel to reach a customer. All of the natural gas utilities agree that it would be rare if a request for service under this rule was not completed sooner than five days. After considering whether the requirement should change, given all of the discussion regarding the volatility in the number of service requests a utility receives during the light up season, Staff recommends that the rule stand as it is written, thereby ensuring that utilities have the necessary flexibility to deal with unexpected situations. This built-in flexibility should reduce the times a utility will need to request a waiver of this rule.*

**(5) With Commission concurrence, the connection requirements under this rule may be temporarily waived for any cause not reasonably within the control of the utility including, but not limited to, the following:**

- (a) A documented Force Majeure event;**
- (b) An action or default by an applicant or other person outside of the utility's control, including a cancellation of the request made by the applicant or customer;**
- (c) Major events, such as storms or system outages;**
- (d) Safety-related issues which preclude the utility from connecting service;**
- (e) The applicant's facilities cannot be accessed due to circumstances beyond the utility's control;**
- (f) The utility's equipment or facilities prevent the reconnection from occurring; or**
- (g) When the Commission approves a waiver.**

*See Staff's write up under section (9) of the previous rule 860-021-0328.*

Stat. Auth.: ORS Ch. 183 & 756  
Stats. Implemented: ORS 756.040  
Hist.: NEW