

RECEIVED

UCB 67

JUL 28 2015

Public Utility Commission of Oregon  
Administrative Hearings Division



Public Utility Commission of Oregon  
Administrative Hearing Division

FORMAL CONSUMER COMPLAINT

**Instructions:** Complete this form to file a formal complaint against a utility. Complete all relevant parts and provide as much information as possible. Please attach additional pages if necessary. To assist you, we have provided a copy of rules on dispute resolution. We will serve your complaint on the utility and notify you of future events. Your complaint will be assigned a docket number and will be a public record. **If your service is disconnected or you received a notice of disconnection, you may be entitled to restored or continued service while we review your complaint. See Section 3.**

**Section 1: Complainant and Utility Information**

Name: Revtek LLC		
Address: 2800 Taylor Way BLDG 2A		
City: Forest Grove	State: OR	Zip Code: 97116
Home phone: 5036591650	Cell Phone:	Work Phone:
Email Address: allyn@revtek.com		
Utility: NW Natural	Account # (if known)	

**Section 2: Complaint**

1. What is your complaint? What did the utility do or not do that caused the problem? Be specific. (Attach additional pages if necessary.)

NW Natural has a program called WARM to equalize amounts paid by customers. The utility will adjust the rate per therm based on the average winter temperature and amounts paid by customers to the utility. My company used zero therms during the winter of 2014-2015. This winter was warmer than usual. This caused a shortage of monies paid to the utility company. As a result, I have to pay extra to NW Natural so they do not loose money. This is called the WARM offset. I do not feel as though this company should be responsible for any of the offsetting fees. We used zero therms, and therefore should be charged a lump sump to keep the utility operational. Also the monthly bill states: "You are participating in the WARM program, which adjusts the rate per therm billed December through mid-May...." when you adjust the rate per therm billed that is fine.

*(Please continue on next page)*

Mailing Address: PO Box 1088 Salem, OR 97308-1088	Street Address: 201 High St. SE Suite 100 Salem, OR 97301
Telephone: (503) 378-6678	Web Site: <a href="http://www.puc.state.or.us">http://www.puc.state.or.us</a>
Filing Center Email Address: <a href="mailto:puc.filingcenter@state.or.us">puc.filingcenter@state.or.us</a>	

**Section 2: Complaint (continued)**

Since this company used zero terms, the rate adjustment would not affect what we paid. Also since the utility company has admitted to the Public Utility Commission that the way they handle and present the WARM program is not effective and mis leading, then I should not be responsible for paying extra under those conditions.

2. If you know, please list the statutes, rules, or tariffs that you believe the utility violated.

3. What do you want the utility or the PUC to do to resolve your complaint? *(We have authority to order refunds where appropriate, but cannot grant money damages.)*

Credit my accounts back for the WARM offset, the extra taxes due because of the higher amount, and refund any late fees imposed as a result.

4. Consumer Services provided you with a copy of your informal case record. Do you want us to consider this case record in resolving your formal complaint?



Yes



No

*Please see next page*

**Section 3: Continued or Restored Service**

Has your utility service been disconnected, or have you received a disconnection notice? If so, you may be entitled to restored or continued service while we review your complaint. You may also be eligible for an expedited process to determine this eligibility. **If you have not been disconnected or have not received a disconnection notice, please skip to Section 4.**

Please answer all questions below **completely**. If you meet certain criteria, we will schedule a telephone hearing within three business days to determine whether you are entitled to continued or restored service. You and the utility will both be invited to participate.

1. Please check one:

- a. I have been refused an application for new service.
- b. I was disconnected.
- c. I received a notice that my service will be disconnected, but I have not yet been disconnected.

If you checked b. or c., fill in disconnection date here:

2. The utility claims that it is disconnecting/refusing service because:

- I did not pay my bill.
- I did not establish credit.
- Other (Please explain):

3. Have you provided the utility with a deposit?

- Yes
- No

If so, what is the amount of the deposit? \_\_\_\_\_

4. Is the utility disconnecting your service or refusing to serve you for failure to pay your bill?

- Yes
- No

If you answered yes, you may be entitled to continued service if you make financial arrangements to protect the utility from future losses. This is usually done by paying all undisputed charges while your complaint is being resolved.

a. Are you willing to pay all undisputed charges while your complaint is being resolved?

- Yes
- No

*Please see next page*

**Section 3: Continued or Restored Service (continued)**

- b. Have you made, or are you willing to make, other financial arrangements with the utility, such as prepaying estimated monthly utility charges? If so, please describe the financial arrangements. Be specific.

None made

**Section 4: Additional Documents**

To help us review your complaint, please attach a copy of your utility bill(s) and any disconnection notice(s) you received. Also include any additional documents that may be helpful in resolving your complaint.

*Please black out any drivers' license numbers, social security numbers, bank routing numbers and bank account numbers before sending us your documents.*

*Please see next page*

**Section 5: Filing Options**

Are you able to put your complaint into Word or text-searchable .pdf format and scan your other documents to .pdf format to email them to us?

Yes. I am able to file my documents using email (Electronic Filing).

Attach your complaint (and any additional documents you wish to add) as an attachment to an email addressed to: [puc.filingcenter@state.or.us](mailto:puc.filingcenter@state.or.us).

The *subject line* of the email must read: "Formal Complaint, [your name], [date]".

Please note: Our electronic filing system can accept only the attachments to the email. Do not include information about your complaint in the body of the email itself.

No. I request a waiver of PUC electronic filing rules because I cannot prepare and submit documents electronically. I request permission to send copies of my documents by U. S. Mail to the Filing Center.

Please mail the signed and dated original paper documents to the following mailing address:

Public Utility Commission of Oregon  
Formal Complaint  
PO Box 1088  
Salem, OR 97308-1088

**Section 6: Signature and Date**

Allyn Clark

07/28/2015

Complainant Signature (Your typewritten name represents your signature)

Date

PRINT

# Oregon Public Utility Commission

**Specialist:** MALM, KIM

**Name:** REVTEK LLC

Commercial

**Addresses:** 2800 TAYLOR WAY, FOREST GROVE OR 97116 (LOC ) (INVOLVED)  
2800 TAYLOR WAY BUILDING 2 UNIT A, FOREST GROVE OR 97116 (MAIL)

**E-Mail:** allyn@revtek.com

**Phones:** (503) 659-1650 (WORK) (Involved)

**Contacts** CLARK, ALLYN (OWN )

**Subject:** WARM/COMMISSION REFERRAL NOT TRACKED/SL3 NARRATIVE

**Comments:** 7/28 final rv by dr - ok w/pc

<b>PUBLIC COMMENT</b>	RATE PROTEST	NOTICE	FORMAT
Company: 0001 G NORTHW	NORTHWEST NATURAL		
Open: 7/2/2015 kamalm TELE	Close: 7/28/2015 kamalm	INET	Docket #:
<b>COMPLAINT</b>	BILLING	RATE SCHEDULE	TRUE-UP
Company: 0001 G NORTHW	NORTHWEST NATURAL		
Open: 7/2/2015 kamalm TELE	Close: 7/28/2015 kamalm	INET	Docket #: UCB 67

Call Taken: 7/1/2015  
Open Date: 7/2/2015

Taken By: Cox, Amanda B  
Opened By: MALM, KIM

**Disconnect Notice Due:**

**Disconnected:**

**Out of Service:**

**7/1/2015**

## CODE DETAIL

PUBLIC COMMENT - RATE PROTEST - NOTICE - FORMAT

Allyn Clark, Owner of Revtek LLC, does not feel Northwest Natural's Warm program should be an opt out.

COMPLAINT - BILLING - RATE SCHEDULE - TRUE-UP

Allyn Clark, Owner of Revtek LLC, does not understand why Northwest Natural charged him a Warm Adjustment if there is no usage on his meters. He would like the billing reviewed.

**7/1/2015 3:18:00 PM**

## CALL TAKEN BY AMANDA

Allyn called regarding his bill with the WARM adjustment from Northwest Natural (NWN).

Allyn has 2 meters on the same property for his business.

June 11 - Allyn received the WARM adjustment on both accounts for \$135.55. He has not used any usage on either of the accounts.

Account Name: REVTEK LLC

Open Date: 7/2/2015

Analyst: MALM, KIM

Allyn's main issues are:

1. The default method of the WARM program. He does not agree with the fact he was automatically opted in.
2. The WARM brochure did not do a good job of explaining the effects of the WARM program. He feels if it was explained better, he would have known how it would have affected his bill and would have opted out.
3. He does not understand why he is being billed \$135.55 for each account when he did not use any therms during the heating season.

June 23 - Allyn called and spoke with 6 different representatives with NWN. He is not satisfied with the answers he was provided. He has opted out of the program.

Allyn would like to know the reason he was billed \$135.55 for the WARM adjustment when he had zero usage. He wants to make sure he was billed correctly. I told him his case will be assigned to an investigator who will contact the company. When we have any information, we will let him know.

**7/2/2015**

### **QUESTIONS FOR NWN**

What do your records show in regard to contact with the customer about his billing?

When did the customer start service with NWN?

When was the last time the customer was sent the Warm packet?

Please provide a detail of the customer's warm adjustment for both of his meters for 2014 and any prior years.

What would the customer's bill have been if they were not enrolled in Warm? What is the difference over the Warm Season between what he paid and what he would have paid if not on the program?

Has the customer been opted out on both of his meters?

Any additional information you can provide would be appreciated.

**7/2/2015 1:55:00 PM**

### **EMAIL TO NWN - CASE/QUESTIONS**

From: MALM Kim

Sent: Thursday, July 02, 2015 1:55 PM

To: PUC Complaint Desk

Subject: OPUC - NEW CASE - REVTEK LLC - ALLYN CLARK

Hello,

Account Name: REVTEK LLC

Open Date: 7/2/2015

Analyst: MALM, KIM

Please review the following case and answer the questions listed as "Questions for NWN."

Thank you,

Kim Malm  
Consumer Specialist  
Oregon Public Utility Commission  
Kim.Malm@state.or.us  
503-373-1132  
Fax 503-378-5743

**7/6/2015 11:18:00 AM                      EMAIL FROM NWN - RESPONSE**

From: Warren, Angelia [mailto:arw@nwnatural.com]  
Sent: Monday, July 06, 2015 11:18 AM  
To: MALM Kim  
Cc: PUC Complaint Desk  
Subject: RE: OPUC - NEW CASE - REVTEK LLC - ALLYN CLARK

Kim,

Please see the response below to the questions for this case. The WARM adjustment summary is attached for your review. If you need additional information or have questions, please let me know.

Thank you,

Angelia

What do your records show in regard to contact with the customer about his billing?

Answer: 6/16/2015 ~2:40 PM: Allyn contacted NW Natural 2015, inquiring about the WARM Rate Adjustment charges on his bills. The first representative he spoke with opted one account out of the program per his request. Allyn requested a supervisor, and because a supervisor was not immediately available, he was offered and accepted to speak with a senior representative. The senior representative opted the second account out of WARM and explained the purpose and mechanism of the WARM program, and the cap/floor/deferral process. Allyn again requested a supervisor, and he was advised he would receive a call back when one was available.

6/16/2015 ~5:20 PM: A contact center supervisor attempted to call him back, and left a message.

6/25/2015 ~11:30 AM: Allyn again contacted NW Natural, in response to the message left by the supervisor on 6/16. He was again advised that no supervisors were immediately available, and he agreed to wait for a call back rather than speak with a senior representative.

6/25/2015 ~12:00 PM: A supervisor called Allyn back. Allyn asked why he was charged the WARM adjustment when he did not use any gas. He was advised that the WARM program is



Account Name: REVTEK LLC

Open Date: 7/2/2015

Analyst: MALM, KIM

intended to cover fixed costs, and the adjustment is not based on how much gas is used. Because there was no usage on the account, NW Natural was unable to roll the adjustments into the rate per therm, and all adjustments were deferred.

When did the customer start service with NWN?

Answer: The first account opened July 1st, 2013 and the second account opened July 17th, 2014.

When was the last time the customer was sent the Warm packet?

Answer: The customer was sent a WARM packet on August 11th, 2014

Please provide a detail of the customer's warm adjustment for both of his meters for 2014 and any prior years.

Answer: See the attached WARM adjustment summary.

What would the customer's bill have been if they were not enrolled in Warm? What is the difference over the Warm Season between what he paid and what he would have paid if not on the program?

Answer: See charts below.

Account (redacted)

Bill date	With WARM	Without WARM
12/4/2014	\$15.80	\$15.80
1/8/2015	\$15.68	\$15.68
2/5/2015	\$15.68	\$15.68
3/9/2015	\$15.68	\$15.68
4/6/2015	\$15.68	\$15.68
5/5/2015	\$15.68	\$15.68
6/4/2015	\$155.27	\$13.64

Account (redacted)

Bill date	With WARM	Without WARM
12/4/2014	\$15.80	\$15.80
1/8/2015	\$15.68	\$15.68
2/5/2015	\$15.68	\$15.68
3/9/2015	\$15.68	\$15.68
4/6/2015	\$15.68	\$15.68
5/5/2015	\$15.68	\$15.68
6/4/2015	\$157.31	\$15.68

Has the customer been opted-out on both of his meters?

Account Name: REVTEK LLC

Open Date: 7/2/2015

Analyst: MALM, KIM

Answer: Yes. The customer has been opted-out of the WARM program for both meters.

**7/6/2015 11:27:00 AM CALL TO CUSTOMER - WILL CALL BACK**

I called to speak with Allyn, he was not available, I advised I would call back later in the day.

**7/22/2015 4:05:00 PM CALL TO CUSTOMER TO CLOSE**

I contacted Allyn and reviewed the response that I received from NWN. I advised him that unfortunately there is nothing that I can do about his adjustment this year, that the rules were followed. I let him know that I verified he is now opted-out on both of his meters and this will prevent any future adjustments.

He thanked me for looking into it for him. I advised if he wants any of the details I received from NWN he can request those from us at any time.

**7/22/2015 5:16:00 PM EMAIL FROM SUSAN TO PHIL-SL3 NARRATIVE**

From: ACKERMAN Susan  
Sent: Wednesday, July 22, 2015 5:16 PM  
To: BOYLE Phil  
Subject: Fwd: NW Natural WARM Program

Sent from my iPhone

Begin forwarded message:

From: Allyn Clark <Allyn@revtek.com>  
Date: July 22, 2015 at 4:24:15 PM PDT  
To: "susan.ackerman@state.or.us" <susan.ackerman@state.or.us>  
Subject: NW Natural WARM Program  
Susan~

I have an issue with the WARM program. The way it is represented to customers. The way it is the default for new customers. The way the brochure represents the program. The way the FAQ section non the website explains the situation. The way my bill states "You are participating in the WARM program, which adjusts the rate billed per therm December through mid-May if actual weather is colder or warmer than normal."

My situation is as follows. Last summer I moved my business to a new location. I had to cancel my old gas service and open a new one. I was not spoken to about the WARM program at all when I signed up. I did get the packet in the mail, but as I mentioned above, it would not have changed my outlook on the program. We had a warm winter. I have a warehouse, and would not heat it much unless we had a very cold warehouse. What this comes down to is that I use no gas at all during the winter. In fact, I have not used gas at all since we moved in. Heat is the only use we have for gas. If you read the WARM packet and FAQ, you would think I should be enrolled in the program, because I use gas for heat only. WRONG. I used no therms as gas units are measured by. But in the last statement of the above paragraph, as it states on my bill, the rate per therm would be adjusted based on the weather. I used 0 therms, and therefore should not have

Account Name: REVTEK LLC

Open Date: 7/2/2015

Analyst: MALM, KIM

an adjustment. I have two accounts, because the building I occupy happens to have two services into it. So I have two \$135.55 charges on each bill and associated taxes for each higher charge. How can it state the rate per therm may change and charge me when I used no therms? I did not pay a rate for the therm, yet I am paying an adjustment for the therm usage.

Secondly while we are communicating on NW Natural. Why do I have a \$15.68 charge which is a monthly service charge and associated fees, when I have used no gas? Why am I paying anything for not using something? And again, I have two bills.

I have communicated with your division already, and they could not do anything except call and verify with NW Natural that they followed the polices. Of course they did, but I think the policy and procedure need some revision and review. I am travelling on business through Tuesday July 28. I really hope that you can review this and call me next week to resolve this situation for myself and for others.

My two account numbers are:

2856029-0

3026671-2

Thank you very much for your time

Allyn Clark

503-659-1650

**7/23/2015 7:53:00 AM**

**EMAIL FROM SUSAN TO - STAFF LOOKING INTO THIS**

From: ACKERMAN Susan

Sent: Thursday, July 23, 2015 7:53 AM

To: Allyn Clark

Cc: BOYLE Phil

Subject: Re: NW Natural WARM Program

Dear Allyn, thank you for this message. You should know that our Staff has already scheduled a meeting with NWN regarding the WARM tariff. You may want to file a formal complaint. I am traveling as well, and prefer to learn what the result of that meeting before I respond further.

Best,

Susan

Sent from my iPhone

**7/23/2015 8:23:00 AM**

**EMAIL FROM CUSTOMER - WHEN WILL I HEAR SOMETHING?**

From: Allyn Clark <Allyn@revtek.com>

Date: July 23, 2015 at 8:23:57 AM PDT

To: ACKERMAN Susan <susan.ackerman@state.or.us>

Account Name: REVTEK LLC

Open Date: 7/2/2015

Analyst: MALM, KIM

Subject: Re: NW Natural WARM Program  
Susan.

Thank you for the response. I would love to file a formal complaint. I did not know in could. No one at NW Natural or PUC informed me I could. Also when can we expect to know more about my specific situation? Specifically getting the taxes, WARM adjustment, and fees removed from my account?

Allyn

Sent from my HTC on T-Mobile 4G LTE

**7/23/2015 8:28:00 AM                      EMAIL TO CUSTOMER - PARTIAL RESPONSE**

From: BOYLE Phil  
Sent: Thursday, July 23, 2015 8:28 AM  
To: Allyn Clark  
Subject: RE: NW Natural WARM Program

Mr. Clark,

Thank you for your email about WARM, it was very timely due to a meeting PUC staff has planned with Northwest Natural (NWN) on this very issue - we will be meeting with NWN this afternoon. After that meeting I will need to consult with other PUC staff and the Commissioners to determine if changes to WARM are necessary or feasible. I will be back in touch with you once we have had these discussions.

With regard to your other question about why you are required to pay a monthly service charge when you use no gas, the reason is that you are essentially paying for the ability to use gas if you need it. There is a cost to the utility to operate and maintain their distribution system which exists regardless of whether you actually use any gas or not, the monthly service charge helps cover a portion of these fixed operating costs. The fact that you are connected to NWN distribution system and can use gas at any time you wish is a benefit to you, even if you don't actually use any gas. The only way to escape the monthly service charge would be to disconnect from NWN's system.

As I mentioned, I will be in touch with you about WARM, probably next week.

Best regards.

Phil Boyle  
Manager, Consumer Services  
Oregon PUC

**7/23/2015 11:07:00 AM                      EMAIL TO CUSTOMER - FORMAL PACKET**

From: BOYLE Phil  
Sent: Thursday, July 23, 2015 11:07 AM  
To: 'allyn@revtek.com'  
Subject: RE: NW Natural WARM Program

Account Name: REVTEK LLC

Open Date: 7/2/2015

Analyst: MALM, KIM

Good Morning Mr. Clark,

Commissioner Ackerman asked that I respond to your email. I hope you received my email of this morning concerning your WARM complaint. At the time I wrote that email I was unaware that my staff had recently investigated your complaint. Normally, we will suggest a customer file a formal complaint through our Administrative Hearings Division when we believe the utility has violated an Administrative Rule, Statute or utility tariff. In your case, the investigator did not recommend filing a formal complaint because it appeared to her Northwest Natural (NWN) was in compliance with their tariff. However, you have raised a very interesting point about the language of NWN's notice to you which states the price of the therm is adjusted based on weather, and how could you receive an adjustment when you used no therms? This is indeed a good question that should be reviewed by an Administrative Law Judge, and ultimately the Commissioners. I have attached the formal complaint form and instructions. Please complete these and file them as directed through our Administrative Hearings Division.

I will also keep you advised of the outcome of my meeting with NWN this afternoon.

Thank You,

Phil Boyle

Manager, Consumer Services

Oregon PUC

Formal packet attached.

**7/28/2015 8:10:00 AM**

**EMAIL TO CUSTOMER - INFORMATION**

From: BOYLE Phil

Sent: Tuesday, July 28, 2015 8:10 AM

To: 'allyn@revtek.com'

Cc: ACKERMAN Susan

Subject: WARM follow up information

Good Morning Mr. Clark,

As follow-up to my email of last week about your WARM complaint, two Public Utility Commission (PUC) staff members and I visited with Northwest Natural on Thursday (July 23rd) to discuss the WARM program and how it impacts customers who use little or no gas for space heating, like yourself.

Your concerns about the WARM brochure and FAQs not effectively addressing a business customer who uses natural gas for freeze protection are well taken. This is one of the issues we addressed with the utility Thursday. We discussed ways to close this gap, as well as how to make other improvements to the brochure aimed at clarifying how the program works so that NW Natural customers can make a more informed decision about whether or not WARM participation is best for them. The utility has committed to improving the brochure and FAQ's to better explain how WARM affects low and no heat customers, and to take proactive steps to inform these customers at the time of service initiation and during the normal opt-out period that it would be to their benefit to opt-out of WARM. PUC staff will be working with the utility to develop this process.

Account Name: REVTEK LLC

Open Date: 7/2/2015

Analyst: MALM, KIM

You specifically mentioned the misleading information in the brochure that indicates WARM charges are determined by adjusting the price of the therms you use. You argued that you since you use no therms, how could you be assessed a WARM charge? The WARM adjustment each month is not really based on therm usage, it is based on the difference in heating degree-days between historic "normal" weather and current observed weather conditions for the billing period. The formula assumes you use gas for heating, and determines how much your bill should be adjusted based on the degree-day difference. It then spreads that adjustment (whether debit or credit) to your therm price. If you used no therms, there is no way for the adjustment to be applied to your account so it is simply deferred each month and accumulates until the end of the heating season when the adjustment true-up occurs. The information provided by the utility does not make this clear - this is part of what they will be working to clarify.

With regard to WARM being the default billing mechanism for customers rather than an opt-in option, the Commission realized that the WARM mechanism would not work unless there was a high level of customer participation, and the only way to assure this was to make it the default billing method. But, the Commissioners also chose to give customers the option of opting out. Many states that utilize a WARM type billing mechanism do not allow customers to opt-out.

In general, the program is a benefit to both space heating customers and the utility - it results in customers having lower heating bills in winters when temperatures are below normal, but is balanced by higher heating bills when temperatures are warmer than normal. Over a ten-year period, it is expected that customers will "break even". The benefit to the utility is that it better aligns their revenue with operating costs. Considering that a large portion of NWN's fixed operating costs are recovered in the volumetric charge (gas cost), in a colder than normal winter the utility would tend to over-collect revenues while in a warmer than normal winter they would tend to under-collect. WARM helps to level out the revenue stream for the utility.

While the WARM billing mechanism has been in place for many years, it wasn't until the unusually warm winter of 2014/15 that we discovered non-space heating or freeze protection customers do not benefit from WARM and should not be on it. However, the utility cannot automatically remove customers from WARM, the customer must choose to opt-out of WARM according to the WARM tariff approved by the Commission. Rather than change the tariff and automatically exclude non-heat and freeze protection customers from WARM, NWN and PUC staff believe this decision should be made by the customer. The utility has no way of knowing if a non-heat customer may add space heating, which would potentially allow them to benefit from WARM.

Going forward, NWN has agreed to provide an extra level of notification to non-heating and freeze protection customers to let them know that they should opt-out of WARM. PUC staff understands this to include notification to non-heat and freeze protection customers at the time a new customer signs up for service that they should opt-out of WARM. They will also provide extra notification to these customers during the annual opt-out period.

Unfortunately, because the utility has applied the WARM charges in accordance with their tariff, the PUC cannot require NWN to dismiss the charges. I am sorry that this is not the outcome you were hoping for, but the upcoming notification changes should help others to avoid this situation in

Account Name: REVTEK LLC

Open Date: 7/2/2015

Analyst: MALM, KIM

the future.

Sincerely,  
Phil Boyle  
Manager, Consumer Services  
Oregon PUC

**7/28/2015 10:00:00 AM**

**EMAIL FROM CUSTOMER - HOW CAN I BE CHARGED WITH NO USAGE?**

From: Allyn Clark [mailto:Allyn@revtek.com]

Sent: Tuesday, July 28, 2015 10:00 AM

To: BOYLE Phil

Cc: ACKERMAN Susan

Subject: RE: WARM follow up information

Phil~

I understand what you are saying, but I still do not understand how I can be charged more for a therm, when I didn't use a therm. Not one! Attached is a copy of my invoice. You will notice in bold about 2/3 of the way down, it speaks about my involvement with the WARM program.

It states:

"You are participating in the WARM program, which adjusts the rate per therm billed December through mid-May....."

The key phrase there is "rate per therm" They can only adjust my rate per therm. Since I used no therms, then there would be no adjustment to pay. I did not pay too much or too little per therm, since I used none. In any mathematical calculation, anything time zero is still zero. Therefore any adjustment they make to the therm price would not affect my, because I used zero therms.

I understand that they followed the procedures and guidelines set in place for the program,. However the statement still reads that I should not be paying any adjustment. I cannot say it is a legally binding contract, but it is a legally binding document and an invoice reflecting my actual usage.

I am not sure who to communicate with at NW Natural as they have way too many hoops for me to jump through and I am not interested in that. You have been as helpful as possible with responding to my inquiry and answering questions.

Who and where should I take this matter to next? I am not interested in paying a rate change per unit of something I never used.

Allyn Clark  
503-659-1650

**7/28/2015 11:27:00 AM**

**EMAIL TO CUSTOMER - MORE INFORMATION**

Account Name: REVTEK LLC

Open Date: 7/2/2015

Analyst: MALM, KIM

From: BOYLE Phil

Sent: Tuesday, July 28, 2015 11:27 AM

To: 'Allyn Clark'

Cc: ACKERMAN Susan

Subject: RE: WARM follow up information

Allyn,

A couple of points, (1) the Company by its own admission has realized that the WARM brochure and other communications do not describe how WARM works when there is low or zero usage during the WARM period; and (2) that WARM calculates the effect that a change in heating degree days has on gas usage separate from a customer's actual gas use. If WARM says a customer should have used 30 more therms than they did, it will calculate the bill amount and apply that amount to the bill. This amount would be the same whether the customer used zero therms or 600 therms. The difference is that a customer that used 600 therms would pay for the extra 30 therms through a change in the billing rate. A customer that used zero therms would pay the extra 30 therms as a surcharge. So, the WARM adjustment really isn't based on your gas usage, it is simply distributed over the amount of gas used if you use some. If you didn't use gas, the adjustment would be paid at the time of the annual adjustment, which is what happened to you.

I have attached a copy of NWN's Schedule 195 which may be of help (see Special Condition #5). As I mentioned, you may file a formal complaint through our Administrative Hearings Division, but the company has not violated their tariff so I am not sure how far that would go. The only other option is to file a civil suit against Northwest Natural if you feel WARM violates some Oregon law.

I hope this helps,  
Phil

**7/28/2015 11:34:00 AM**

**EMAIL FROM CUSTOMER - WHERE DO I GO NOW?**

From: Allyn Clark [mailto:Allyn@revtek.com]

Sent: Tuesday, July 28, 2015 11:34 AM

To: BOYLE Phil

Cc: ACKERMAN Susan

Subject: RE: WARM follow up information

Phil~

I understand that they have not violated their own policies, but their own policies I think are the problem. Your description you just provided to me is a better representation of what the WARM program is and how it could affect my bill. NW Natural has never provided that to me, nor do they care to. The problem here is that I am a lonely one man show, trying to go against a big entity. I would imagine in a court of law I would win because of the statement that refers to adjusting the rate per therm billed. Since I wasn't billed for or used any therms, I shouldn't have and adjustment. But how does one solitary person fight that? I had hoped that since NW Natural was under the guidance of P.U.C. that your division would be fighting this for me and any other customer this applies to. In our initial conversation you even agreed with what I was describing. Now it seems as though I have no one to go to bat for the misleading and false statement provided on the



Account Name: REVTEK LLC

Open Date: 7/2/2015

Analyst: MALM, KIM

invoice and lack of complete and full information provided by NW Natural in there packets.

Yes, I would like to file a formal complaint and get this resolved in a manner that is appropriate. How would I do that?

Allyn Clark  
503-659-1650

**7/28/2015 11:44:00 AM EMAIL TO CUSTOMER - FORMAL PAPERS**

From: BOYLE Phil  
Sent: Tuesday, July 28, 2015 11:44 AM  
To: 'Allyn Clark'  
Subject: RE: WARM follow up information

Allyn,

The PUC is a creature of statute, and we can only follow the law ourselves. NWN's tariff, as approved, has the force of law. And, if they did not violate it, we don't have any options either in terms of forcing them to do anything different than they did. Even if we change the tariff going forward, it still would not help you because this would be a retroactive adjustment, and the law doesn't allow us to do that either.

Attached are the instructions and forms for filing a formal complaint.

Phil

(Note: formal papers were atached)

**7/28/2015 1:00:00 PM NARRATIVE TO CLOSE**

Per Phil closed case, customer was sent formal papers.

**Attachments to Case:**

7/6/2015 11:26:23 AM	SL3 Revtek Inc WARM Adjustment Info
7/28/2015 11:30:07 AM	SL3 - Bill copy
7/28/2015 11:33:13 AM	Schedule 195 WARM

**SUMMARY OF WARM ADJUSTMENTS AND DEFERRALS**

The monthly adjustments are detailed in the chart below. Adjustments meeting the limits defined in Adjustment Schedule 195 are deferred to the end of the heating season:

- The cap is \$35.00 or 25% of the gas charges, whichever is lower
- The floor is approximately \$0.48 per therm.

The deferral is included in rates like a normal WARM adjustment if possible. If the deferral reaches the cap or floor again, it is included on the bill as a "WARM Rate Adjustment."

2014

*Adjustments are identical for both account 2856029-0 and 3026671-2*

WARM Adjustments Included in Rates: \$0.00

WARM Rate Adjustment: \$135.55

Bill Date	Billed Amount <sup>a</sup>	WARM No <sup>b</sup>	WARM On-Bill <sup>c</sup>	Deferred <sup>d</sup>
12/4/2014	\$0.00	\$0.00	\$0.00	-\$12.06
1/7/2015	\$0.00	\$0.00	\$0.00	\$36.61
2/4/2015	\$0.00	\$0.00	\$0.00	\$25.67
3/5/2015	\$0.00	\$0.00	\$0.00	\$39.77
4/3/2015	\$0.00	\$0.00	\$0.00	\$37.64
5/5/2015	\$0.00	\$0.00	\$0.00	\$7.92

- Billed Amount:** Actual usage charges billed for this statement.
- WARM No:** Usage charges for this period if opted out of WARM.
- WARM On-Bill:** Amount of WARM adjustment included in the rate per therm for this billing period.
- Deferred:** Amount of WARM adjustment deferred to "WARM Rate Adjustment" at end of heating season or account closure.

2013

**Account 2856029-0 Only**

WARM Adjustments Included in Rates: -\$24.60

WARM Rate Adjustment: -\$26.70

Bill Date	Billed Amount <sup>a</sup>	WARM No <sup>b</sup>	WARM On-Bill <sup>c</sup>	Deferred <sup>d</sup>
12/13/2013	\$15.96	\$35.75	-\$19.79	-\$31.30
1/16/2014	\$43.13	\$35.84	\$7.29	\$0.00
2/14/2014	\$16.04	\$35.93	-\$19.89	-\$16.33
3/17/2014	\$20.80	\$16.64	\$4.16	\$9.76
4/15/2014	\$10.86	\$8.69	\$2.17	\$8.96
5/14/2014	\$7.31	\$5.85	\$1.46	\$2.21



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**SCHEDULE 195  
WEATHER ADJUSTED RATE MECHANISM  
(WARM Program)**

**PURPOSE:**

To describe the Weather Adjusted Rate Mechanism (WARM) adopted by the Public Utility Commission of Oregon in Docket UG 221, Order No. 12-408 entered October 26, 2012.

**APPLICABLE:**

To Residential and Commercial Customers served on the following Rate Schedules of this Tariff:

Rate Schedule 2	Rate Schedule 3
-----------------	-----------------

**APPLICATION TO RATE SCHEDULES:**

The WARM Adjustment will be applied as an adjustment to the per-therm Billing Rate on applicable Residential and Commercial Customer bills issued during the WARM Period. The WARM Period covers bills that are generated based on meters read on or after December 1<sup>st</sup> and on or before May 15<sup>th</sup>.

**SPECIAL CONDITIONS:**

1. The WARM Adjustment will apply to Customer bills that are based on applicable Residential Rate Schedule 2 or Commercial Rate Schedule 3 meters read on or after December 1<sup>st</sup> and on or before May 15<sup>th</sup>.
2. Residential bills --The maximum WARM Adjustment increase that will be added to any regular monthly bill during the WARM Period will be twelve dollars (\$12.00), or twenty-five percent (25%) of the usage portion of that bill, whichever is less. For any billing period in which the total monthly WARM adjustment exceeds either \$12.00 or 25% of the usage, the balance of the WARM adjustment will be billed in accordance with Special Condition 5.
3. Commercial bills--The maximum WARM Adjustment increase that will be added to any regular monthly bill during the WARM Period will be thirty-five dollars (\$35.00), or twenty-five percent (25%) of the usage portion of that bill, whichever is less. For any billing period in which the total monthly WARM adjustment exceeds either thirty-five dollars or 25% of the usage, the balance of the WARM adjustment will be billed in accordance with Special Condition 5.
4. The cent per-therm rate applied to any customer bill during the WARM Period will never be less than the currently effective Annual Sales WACOG rate, as shown in **Schedule 164** of this Tariff.
5. Any amounts not applied to a Customer's bill during the WARM Period due to the caps and floor described in Special Conditions 2, 3 and 4 will be applied to the Customer's first bill issued following the end of the WARM Period, except that these amounts will be applied earlier in the following situations: (a) at the time the Company issues a closing bill on a Customer account; and (b) at the time a Customer changes their status in the WARM program.

(continue to Sheet 195-2)

Issued October 31, 2012  
NWN OPUC Advice No. 12-17

Effective with service on  
and after November 1, 2012

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**SCHEDULE 195**  
**WEATHER ADJUSTED RATE MECHANISM**  
**(WARM Program)**  
(continued)

**SPECIAL CONDITIONS (continued):**

6. WARM is the Company's default billing method for the Rate Schedules to which this Schedule applies. Customers are included in the WARM program unless they opt-out of the program. Any customer that elects to opt-out of the WARM program will remain out of the program until such customer elects to change their opt-out status.
7. Customers will have an opportunity to change their status in the WARM program each year. Customers will be notified annually through a bill insert and bill messages that they may change their status in the program. Customers will have until September 30 to make a status change. Except as provided in Special Conditions 8 and 9, any notice received after September 30 will not become effective until the effective date of the next WARM Period.
8. Any new customer will have thirty (30) days from the date that the Company's new customer information packet is mailed to the Customer in which to opt-out. For purposes of this Schedule, a new customer is a customer that has not had a gas service account with the Company within the last twelve (12) month period, or is a customer that has been issued a new service account number by the Company due to a material change in their account.
9. Customers will not be allowed to change their status in the program after September 30, except, upon customer request, in the following circumstances:
  - a. The Company can verify that the customer does not have natural gas space heating equipment installed at the service address.
  - b. The customer moved from an address that used natural gas for space heating to a new address that **does not** have gas natural gas space heating equipment installed;
  - c. The customer moved from an address that did not use natural gas for space heating to a new address that **does** have natural gas space heating equipment installed;
  - d. The customer, or their authorized representative, can provide evidence that the customer had not received notice regarding the WARM Program;
  - e. The customer, or their authorized representative, can provide evidence that the customer was not capable of understanding the written information describing the program and the opt-out instructions.
  - f. The Company can verify a contact, prior to September 30, from the customer, or their authorized representative, requesting a change to their WARM status, but for whatever reason, the change was not processed;

Status changes granted in accordance with 9.a., and 9.d. will become effective with the customer's next regular monthly bill. Status changes granted in accordance with 9.b. and 9.c. will become effective with the first day of service at the new address. When status changes are made in accordance with 9.e. and 9.f., the customer's next bill will show revised billing amounts for customer's account back to the first bill issued following the beginning of the WARM heating season.

(continue to Sheet 195-3)

Issued October 31, 2012  
NWN OPUC Advice No. 12-17

Effective with service on  
and after November 1, 2012

**SCHEDULE 195  
WEATHER ADJUSTED RATE MECHANISM  
(WARM Program)  
(continued)**

10. Upon request, the Company will provide Customer with historical billing information that reflects bills with and without the WARM adjustment for any month during the WARM Period.
11. Should a change to the margin rate occur during the WARM Period, the equivalent terms used in the calculation of the WARM adjustment will be based on the entire billing period, and then prorated based upon the number of days applicable to each margin rate. The pro-rated terms are then multiplied by the applicable margin rate to determine the WARM adjustment for each rate period. Example: If a margin rate change occurred on January 1, a bill with a bill period between December 25 and January 24 would be prorated based upon 6 days at the prior margin rate and 24 days at the new margin rate. The calculations performed under the provisions of Special Conditions 2, 3, and 4 will apply to each prorated period separately, except that the total WARM adjustment for each bill will not exceed the maximum WARM adjustment specified in Special Conditions 2 and 3.

**WARM FORMULA:**

1. The Formula is:  $WARM\ Adjustment = \sum_{n=1}^T (HDD_{n,t} - HDD_{a,t}) * B * Mrgn$

Where:

**T** = the days covered by the meter read dates for an individual customer's bill

**HDD<sub>n</sub>** = the 25 year average of heating degree-days for each day (1986-2010) determined using a 25-year average temperature published by the National Oceanic and Atmospheric Administration (NOAA).

**HDD<sub>a</sub>** = the actual heating degree-days for each day based on the individual customer's actual beginning and ending meter read dates

**B** = the statistical coefficient relating heating degree-days to therm use determined in the most recent general rate case, or other Commission authorized proceeding.

**Mrgn** = the relevant Rate Schedule margin defined as the current Billing Rate less the current Commodity Rate, Pipeline Capacity Charge, and any Temporary Adjustments.

2. For purposes of calculating the WARM Adjustment, the following shall apply:
  - a. A Heating Degree Day (HDD) is defined as the extent by which the daily mean temperature falls below a specified set point on a specified day. The HDD calculation uses a set point temperature of 59 degrees Fahrenheit for the **Rate Schedule 2** calculation, and 58 degrees Fahrenheit for the **Rate Schedule 3** calculation;
  - b. The statistical coefficients to be used in the calculation of the WARM Adjustment Factor effective with the WARM Period commencing November 1, 2012 are:

Rate Schedule 2: 0.16471	Rate Schedule 3: 0.85441
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(continue to Sheet 195-4)

Issued October 31, 2012  
NWN OPUC Advice No. 12-17

Effective with service on  
and after November 1, 2012

# NORTHWEST NATURAL GAS COMPANY

P.U.C. Or. 25

Second Revision of Sheet 195-4  
Cancels First Revision of Sheet 195-4

## SCHEDULE 195 WEATHER ADJUSTED RATE MECHANISM (WARM Program) (continued)

### WARM FORMULA: (continued)

- c. The applicable margins to be used in the calculation of the WARM Adjustment Factor effective with the WARM Period commencing November 1, 2014 are:

Rate Schedule 2:	\$0.43327	Rate Schedule 3:	\$0.34608
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Weather data used in the calculation of HDD for each customer shall be from the same weather stations and weather zones that are used in the determination of thermal units as set forth in **Rule 24**.

### WARM BILL EFFECTS:

The following table depicts the impact on Residential **Rate Schedule 2** and Commercial **Rate Schedule 3** customer bills, respectively, at specified variations in HDDs.

HDD Variance (+ or -)	RESIDENTIAL		COMMERCIAL	
	Equivalent therms	Total Monthly WARM adjustment (+ or -) *	Equivalent therms	Total Monthly WARM adjustment (+ or -) *
1	0.1647	\$0.07	0.8544	\$0.30
5	0.8236	\$0.36	4.2721	\$1.48
10	1.6471	\$0.71	8.5441	\$2.96
15	2.4707	\$1.07	12.8162	\$4.44
20	3.2942	\$1.43	17.0882	\$5.91
25	4.1178	\$1.78	21.3603	\$7.39
30	4.9413	\$2.14	25.6323	\$8.87
35	5.7649	\$2.50	29.9044	\$10.35
40	6.5884	\$2.85	34.1764	\$11.83
45	7.4120	\$3.21	38.4485	\$13.31
50	8.2355	\$3.57	42.7205	\$14.78

To calculate variations beyond or in-between specified levels, multiply the desired HDD variance by the applicable statistical coefficient, and then multiply that sum by the applicable margin.

To obtain the cent per therm effect of the Warm Adjustment, divide the WARM Adjustment by the number of therms used during the billing month.

(continue to Sheet 195-5)

Issued September 15, 2014  
NWN OPUC Advice No. 14-19

Effective with service on  
and after November 1, 2014

Issued by: **NORTHWEST NATURAL GAS COMPANY**  
d.b.a. *NW Natural*  
220 N.W. Second Avenue  
Portland, Oregon 97209-3991



# NORTHWEST NATURAL GAS COMPANY

P.U.C. Or. 25

Second Revision of Sheet 195-5  
Cancels First Revision of Sheet 195-5

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## SCHEDULE 195 WEATHER ADJUSTED RATE MECHANISM (WARM Program) (continued)

### WARM BILL EFFECTS (continued):

#### Example Bill Calculation:

Here is the how the WARM adjustment is calculated for a residential **Rate Schedule 2** customer where the billing rate is \$1.01330 cents per therm, the HDD variance is 50 HDDs colder than normal, and the monthly therm usage is 129 therms:

HDD Differential:	Normal HDDs:	600 HDDs
	Actual HDDs:	650 HDDs
	HDD variance:	600 - 650 = -50 HDDs
Equivalent Therms:	HDD variance:	-50 HDDs
	Statistical coefficient:	0.16471
	Equivalent therms:	-50 x 0.16471 = -8.2355 therms
Total Warm Adjustment:	Equivalent therms:	-8.2355 therms
	Margin Rate:	\$0.43327
	Total WARM Adj.:	-8.2355 x \$0.43327 = -\$3.56820
Total WARM Adjustment converted to cents per therm:	Total WARM Adj.	-\$3.56820
	Monthly usage:	129 therms
	Cent/therm Adj.:	-\$3.56820 ÷ 129 = -\$0.02766
Billing Rate per therm:	Current Rate/therm:	\$1.01330
	WARM cent/therm Adj.	-\$0.02766
	WARM Billing Rate:	\$1.01330 + -\$0.02766 = \$0.98564
Total WARM Bill:	Customer Charge:	\$8.00
	Usage Charge:	\$0.98564
	Total	(129 x \$0.98564) + \$8.00 = \$135.15

### GENERAL TERMS:

This Schedule is governed by the terms of this Schedule, the General Rules and Regulations contained in this Tariff, any other Schedules that by their terms or by the terms of this Schedule apply to service under this Schedule, and by all rules and regulations prescribed by regulatory authorities, as amended from time to time.

Issued September 15, 2014  
NWN OPUC Advice No. 14-19

Effective with service on  
and after November 1, 2014

**BEFORE THE PUBLIC UTILITY COMMISSION**

**OF OREGON**

UCB 67

Served electronically at Salem, Oregon, July 29, 2015, to: [zachary.kravitz@nwnatural.com](mailto:zachary.kravitz@nwnatural.com)

Zachary D. Kravitz  
Associate Counsel  
Northwest Natural Gas Company  
220 NW 2nd Avenue  
Portland, Oregon 97209

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REVTEK LLC,

Complainant,

vs.

NORTHWEST NATURAL GAS COMPANY,

Defendant.

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A copy of a complaint filed against Northwest Natural Gas Company (NW Natural) is attached. The Public Utility Commission must receive an Answer from the defendant or its attorneys by August 13, 2015. A copy must also be served on the complainant.

On the bottom of page two, complainant asks that the Commission consider the informal case record in resolving this complaint. This information is comprised of case notes taken by the Consumers Service Division. Complainant attached this information to the complaint, and it is deemed part of complainant's official filing.

PUBLIC UTILITY COMMISSION OF OREGON



Cheryl Walker  
Administrative Specialist 2  
Administrative Hearings Division  
(503) 378-2849

Attachments: Complaint  
Notice of Contested Case Rights and Procedures

c: Kat Rosenbaum, NW Natural, [kkr@nwnatural.com](mailto:kkr@nwnatural.com) (w/attachments)  
Kathleen Boylan, NW Natural, [kvb@nwnatural.com](mailto:kvb@nwnatural.com) (w/attachments)



# Oregon

Kate Brown, Governor

## Public Utility Commission

201 High St SE Suite 100

Salem, OR 97301

**Mailing Address:** PO Box 1088

Salem, OR 97308-1088

**Consumer Services**

1-800-522-2404

Local: 503-378-6600

**Administrative Services**

503-373-7394

July 29, 2015

ELECTRONIC SERVICE TO: [allyn@revtek.com](mailto:allyn@revtek.com)

Allyn Clark  
Revtek LLC  
2800 Taylor Way, BLDG 2A  
Forest Grove, Oregon 97116

RE: UCB 67, REVTEK LLC, Complainant  
v. NORTHWEST NATURAL GAS COMPANY, Defendant

The Commission has received your complaint and assigned it docket number UCB 67. You should use this number whenever you refer to this case.

The Commission has served a copy of your complaint on the defendant. The defendant must file an answer to your complaint by August 13, 2015. You will receive a copy of the answer when it is filed.

The Commission will assign an Administrative Law Judge to handle the complaint. If the matter is not resolved through the process of filings or your settlement discussions with the defendant, the case will be set for hearing and you will be notified of the time and place.

You must submit **future filings** electronically to the Commission. To make a filing electronically, please follow the steps below:

1. Filing with the Commission by electronic filing –
  - a. Create or convert your document to Word or text-searchable pdf format so that you can attach it to an email; and
  - b. You must date and sign your document. You may use an electronic signature, such as /s/ John Doe.
  - c. Attach the document to an email.
  - d. In the Subject Line of the email, type “Docket [#], [description of your filing], [your name], and [date].
  - e. Send the email to the Filing Center’s email address at [puc.filingcenter@state.or.us](mailto:puc.filingcenter@state.or.us);
  - f. It is not necessary to send me a copy of your filing; and
  - g. A copy of your filing will automatically be sent to the defendant’s representative when it is processed by the Filing Center.

PUBLIC UTILITY COMMISSION OF OREGON



Cheryl Walker  
Administrative Specialist 2  
Administrative Hearings Division  
(503) 378-2849

Attachments: Filing a Formal Complaint Fact Sheet  
Notice of Contested Case Rights and Procedures

# Filing a Formal Complaint

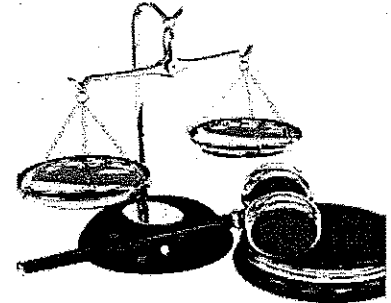


## ***When do I file a formal complaint?***

You may file a formal complaint if you and our Consumer Services Section cannot informally resolve your billing or service dispute with the utility.

## ***How do I file a formal complaint?***

Call the Consumer Services Section at (503) 378-6600 or 1-800-522-2404 for a formal complaint form. Fill it out and send the completed form to our Filing Center at [puc.filingcenter@state.or.us](mailto:puc.filingcenter@state.or.us) or to the following address: Public Utility Commission of Oregon, PO Box 1088, Salem, OR 97308-1088.



## ***What happens after I file a formal complaint?***

When we receive your complaint, we will assign it a docket number and send a copy to the utility. The utility has 15 days to respond, and you will receive a copy of their response.

We apply the laws and rules and may reach a decision based solely on information in your complaint and the utility's response. In most cases, when we receive the utility's answer, we will assign an Administrative Law Judge (ALJ) to hear the complaint. The ALJ may first hold a prehearing conference to informally discuss the case with you and the utility, and to determine what proceedings are necessary to resolve it. If additional evidence is needed, the ALJ may schedule a hearing.

## ***What happens to my utility service while my complaint is being heard?***

If the utility has or intends to disconnect your service, you may ask for our help. Depending on the circumstances, we may direct the utility to continue or restore your service until your complaint is resolved.

## ***Who's who in a formal complaint case?***

You and the utility are called parties. You are the complainant and the utility is the defendant.

The utility may be represented by an attorney. You may hire an attorney to represent you, but you are not required to. If you decide before the hearing that you need an attorney, you may ask the ALJ for a continuance to hire an attorney. The ALJ will not grant a continuance once the hearing starts unless you have a good reason for not hiring an attorney before the hearing.

## ***How do I prepare for the hearing?***

At the hearing each party may present evidence, ask questions of witnesses, object to evidence, and present argument. You may request information from the utility on issues in your complaint. At least 20 days before the hearing, you should give the ALJ a written list of your witnesses. If necessary, the ALJ can prepare subpoenas to order your witnesses to appear at the hearing. The ALJ will resolve disputes regarding witnesses.

If you want to use documents (such as bills, receipts, letters or other papers), let the ALJ know prior to the hearing. The hearing will not be postponed to give you more time to obtain additional evidence unless you show that you could not have produced the evidence at the time of the hearing.

# Filing a Formal Complaint (cont.)



## ***What happens at the hearing?***

The hearing is similar to a trial before a judge without a jury. *See* ORS 756.518 to 756.610. As the complainant, you must prove that you are entitled to the requested relief.

The ALJ will decide the order in which evidence will be presented at the hearing. You and the utility will call witnesses and present evidence (orally or in writing) on all issues relating to your complaint. Testimony is given under oath. Witnesses may be asked questions by the opposing parties and the ALJ.

The ALJ will rule on any objections or motions, and will admit evidence into the official case record. After the evidence is offered, each party may give a closing statement. In the statement, you should explain how the facts and law support a ruling in your favor.

The ALJ or court reporter will record the hearing for the official record. The record of the hearing may be used to assist the parties in filing written legal arguments, the Commissioners in deciding the complaint, or the court in reviewing the PUC's decision, if necessary. You may obtain a copy of an audio recording by paying the amount established in our Administrative Rules. *See* OAR 860-001-0060.

If a court reporter recorded the hearing, you may request a word-for-word written transcript of the hearing. You must pay the court reporter for the cost of preparing the transcript. If you cannot afford to pay for the copy of the transcript, you must provide a statement called an "Affidavit of Indigency," explaining why you cannot afford to pay. You may request the "Affidavit of Indigency" from our Administrative Hearings Division and provide it at the time you request the copy.

## ***What happens after the hearing?***

Based on the evidence in the record, the ALJ makes recommendations to the Commissioners. You will not have the opportunity to comment on the ALJ's recommendation.

The Commissioners may accept, reject, or modify the ALJ's recommendation. The final order is issued by the Commissioners. *We cannot grant money damages or attorney fees.* You will receive a copy of the final order.

The final order will include information about how you may request us to reconsider the order or how you may appeal the decision to the Court of Appeals. *See* ORS 756.610.

## ***Questions?***

If you have questions about the process before filing a formal complaint, call the Consumer Services Section at (503) 378-6600 or (800) 522-2404. If you have questions after filing a formal complaint, call the Administrative Hearings Division at (503) 378-6678. We accept all relay calls.



## NOTICE OF CONTESTED CASE RIGHTS AND PROCEDURES

Oregon law requires state agencies to provide parties written notice of contested case rights and procedures. Under ORS 183.413, you are entitled to be informed of the following:

**Hearing:** The time and place of any hearing held in these proceedings will be noticed separately. The Commission will hold the hearing under its general authority set forth in ORS 756.040 and use procedures set forth in ORS 756.518 through 756.610 and OAR Chapter 860, Division 001. Copies of these statutes and rules may be accessed via the Commission's website at [www.puc.state.or.us](http://www.puc.state.or.us). The Commission will hear issues as identified by the parties.

**Right to Attorney:** As a party to these proceedings, you may be represented by counsel. Should you desire counsel but cannot afford one, legal aid may be able to assist you; parties are ordinarily represented by counsel. The Commission Staff, if participating as a party in the case, will be represented by the Department of Justice. Generally, once a hearing has begun, you will not be allowed to postpone the hearing to obtain counsel.

**Administrative Law Judge:** The Commission has delegated the authority to preside over hearings to Administrative Law Judges (ALJs). The scope of an ALJ's authority is defined in OAR 860-001-0090. The ALJs make evidentiary and other procedural rulings, analyze the contested issues, and present legal and policy recommendations to the Commission.

**Hearing Rights:** You have the right to respond to all issues identified and present evidence and witnesses on those issues. *See* OAR 860-001-0450 through OAR 860-001-0490. You may obtain discovery from other parties through depositions, subpoenas, and data requests. *See* ORS 756.538 and 756.543; OAR 860-001-0500 through 860-001-0540.

**Evidence:** Evidence is generally admissible if it is of a type relied upon by reasonable persons in the conduct of their serious affairs. *See* OAR 860-001-0450. Objections to the admissibility of evidence must be made at the time the evidence is offered. Objections are generally made on grounds that the evidence is unreliable, irrelevant, repetitious, or because its probative value is outweighed by the danger of unfair prejudice, confusion of the issues, or undue delay. The order of presenting evidence is determined by the ALJ. The burden of presenting evidence to support an allegation rests with the person raising the allegation. Generally, once a hearing is completed, the ALJ will not allow the introduction of additional evidence without good cause.

**Record:** The hearing will be recorded, either by a court reporter or by audio digital recording, to preserve the testimony and other evidence presented. Parties may contact the court reporter about ordering a transcript or request, if available, a copy of the audio recording from the Commission for a fee set forth in OAR 860-001-0060. The hearing record will be made part of the evidentiary record that serves as the basis for the Commission's decision and, if necessary, the record on any judicial appeal.

**Final Order and Appeal:** After the hearing, the ALJ will prepare a draft order resolving all issues and present it to the Commission. The draft order is not open to party comment. The Commission will make the final decision in the case and may adopt, modify, or reject the ALJ's recommendation. If you disagree with the Commission's decision, you may request reconsideration of the final order within 60 days from the date of service of the order. *See* ORS 756.561 and OAR 860-001-0720. You may also file a petition for review with the Court of Appeals within 60 days from the date of service of the order. *See* ORS 756.610.