

**PUBLIC UTILITY COMMISSION OF OREGON
STAFF REPORT
PUBLIC MEETING DATE: December 15, 2020**

REGULAR CONSENT EFFECTIVE DATE January 1, 2021

DATE: December 9, 2020

TO: Public Utility Commission

FROM: Michelle Scala

THROUGH: Bryan Conway and John Crider **SIGNED**

SUBJECT: PORTLAND GENERAL ELECTRIC:
(Docket No. ADV 1213/Advice No. 20-44)
Updates Portland General Electric's Rule E, Establishing Credit /
Treatment of Deposits related to the effects of the COVID-19 Pandemic on
Customers.

STAFF RECOMMENDATION:

Approve Portland General Electric's (PGE or Company) proposed updates to Rule E, Establishing Credit / Treatment of Deposits, as described in Advice No. 20-44, effective for service rendered on and after January 1, 2021, on less than statutory notice.

DISCUSSION:

Issue

Whether the Oregon Public Utility Commission (Commission) should approve PGE's Advice No. 20-44, which updates its Rule E, Establishing Credit / Treatment of Deposits, effective for service rendered on and after January 1, 2021, on less than statutory notice (LSN).

Applicable Law

ORS 757.205 requires public utilities to file schedules showing all rates, tolls, and charges for service that have been established and are in force at the time. Pursuant to ORS 757.210, the Commission may approve tariff changes if they are deemed to be fair, just, and reasonable.

ORS 757.220 requires that any change to rates, tolls, charges, rules or regulations must be filed with the Commission at least 30 days before the effective date of the change. The Commission may allow changes with LSN where good cause is shown.

OAR 860-021-0126(1) provides, "Except as provided in section (2) of this rule, an energy or large telecommunications utility may apply a late-payment charge to customer accounts not paid in full each month, provided the utility has filed the late-payment charge in its rate schedule."

Under OAR 860-021-0200(2), an applicant or customer may be required to pay a deposit at the time of application for new or continued service.

OAR 860-022-0020 requires energy or large telecommunications utilities seeking to establish or change tariffs or rate schedules with LSN to use application forms approved by the Commission.

In Docket No. UM 2114, the Commission issued Order No. 20-401, approving a Stipulated Agreement addressing the effects of the COVID-19 pandemic on utility customers.

Analysis

Background

PGE filed Advice No. 20-44 on December 3, 2020,¹ to update the Company's Rule E to conform to Commission Order No. 20-401.²

Rule E is PGE's set of terms and conditions for Establishing Credit and Treatment of Deposits related to services offered by the Company under Tariff PUC Oregon No. E-18.

PGE signed the Stipulated Agreement on the Effects of COVID-19 Pandemic on Energy Utility Customers (Stipulated Agreement), which includes a clause stating that Utilities will waive new deposit requirements associated with late or nonpayment, arrearages, or credit related issues for new or existing residential customers, through October 1, 2022.³

¹ The Company submitted a supplemental filing with technical, non-substantive changes on December 15, 2020.

² In the matter of *Investigation into the Effects of the COVID-19 Pandemic of Utility Customers*, Docket No. UM 2114, Order No. 20-401 (November 5, 2020).

³ Subject to change to a later date if separately extended outside the provisions of the Term Sheet.

Under Paragraph 11 of the Stipulated Agreement, “Utilities will not apply service disconnection and reconnection fees to residential customers until October 1, 2022.” Paragraph 12 of the Stipulated Agreement approved by the Commission states, “Utilities will not accrue and collect late payment fees, interest, and penalties for all residential customers retroactive to the date of the start of the Utility’s disconnect moratorium and through October 1, 2022.”

Per Paragraph 8 of the Stipulated Agreement, “Each Utility shall waive new deposit requirements associated with late or non-payment, arrearages, or credit related issues for new or existing residential customers, through October 1, 2022 (or later if separately extended outside the provisions of this Stipulated Agreement).”

The Stipulated Agreement was subsequently adopted at the Commission’s November 3, 2020, public meeting and Order No. 20-401 was issued shortly thereafter on November 5, 2020.

Due to the requested effective date and the less than 30-day notice, PGE also submitted an application requesting a waiver of legal statutory notice, pursuant to ORS 757.220 and OAR 860-022-0020.

Staff Review

The Company updates Rule E, Establishing Credit / Treatment of Deposits by adding a footnote stating that the Company will waive new deposit requirements associated with late or nonpayment arrearages or credit-related issues for new or existing residential customers through October 1, 2022.

While under OAR 860-021-0200(2), an applicant or customer may be required to pay a deposit at the time of application for new or continued service, PGE’s Rule E states “A deposit **is required** if...” Footnote 1 clarifies that new deposits will be waived by the Company in circumstances consistent with Order No. 20-401.

Regarding disconnection and late payment fees, PGE’s Rule E currently states, “Should disconnection for nonpayment of a deposit occur, the Customer is required to pay: the full amount of the unpaid deposit balance, any applicable Reconnection charge, Late Payment Charge, and 1/2 of any past due amount before service is restored.” Under Paragraph 8 of the Stipulated Agreement, PGE is required to waive new deposit requirements, and per paragraphs 11 and 12, reconnection and late payment charges are not applicable. PGE’s footnote 2 restates these terms.

These changes are intended to conform to Order No. 20-401 and notify customers of provisions to help protect and assist customers during the current COVID-19 pandemic and its related aftermath.⁴

Staff reviewed the proposed Rule E language, relevant administrative rules, and the Commission-approved Stipulated Agreement to ensure the proposed filing is accurate and consistent with applicable law. The Company provided Staff all requisite documents to perform the review and no additional informational requests were required.

Conclusion

Staff finds that the updated language contained in PGE's Rule E is consistent with the Stipulated Agreement and recommends that the Commission approve the proposed tariff on LSN.

PROPOSED COMMISSION MOTION:

Approve Portland General Electric's proposed updates to Rule E, Establishing Credit / Treatment of Deposits, as described in Advice No. 20-44, effective for service rendered on and after January 1, 2021, on LSN.

⁴ Executive Order 20-59, issued October 27, 2020, extends the State of Emergency related to the COVID-19 outbreak in Oregon through January 2, 2021.