

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

AR 496

In the Matter of the Adoption of	)	
Temporary Rules to Implement SB 983 by	)	ORDER
September 1, 2005, as Required by the	)	
2005 Legislature, Relating to At Risk of	)	
Domestic Violence and Abuse.	)	

**DISPOSITION: TEMPORARY RULES ADOPTED**

On June 9, 2005, Governor Theodore Kulongoski signed into law Chapter 290, OR Laws 2005 (Senate Bill 983). The bill has an emergency clause making it effective September 1, 2005. Senate Bill 983 requires the Public Utility Commission to adopt rules to prohibit the termination of the local exchange residential telephone service if the termination would significantly endanger a customer, or a member of the customer’s household, who is at risk of domestic violence or abuse.

The bill requires the large and small telecommunication public utilities to establish procedures for submitting and receiving affidavits from the customer. The customer must submit a court document with the affidavit to the utility. The court document must be a restraining order that protects the person at risk. To qualify, that person must be:

- a. At risk of domestic violence;
- b. At risk of unwanted sexual contact;
- c. A person with disabilities who would be at risk of abuse;
- d. An elderly person who would be at risk of abuse; or
- e. A victim of stalking.

The bill does not excuse the customer from paying their telecommunication service. The bill entitles the customer to enter into a reasonable payment agreement with the utility if an overdue balance exists.

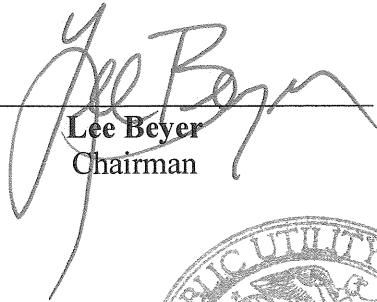
At its August 16, 2005, public meeting the Public Utility Commission considered Staff’s proposal to adopt temporary rules to implement Senate Bill 983. The Commission also adopted Staff’s recommendation to open docket AR 497 to investigate and implement permanent rules by February 27, 2006, when the temporary rules expire.

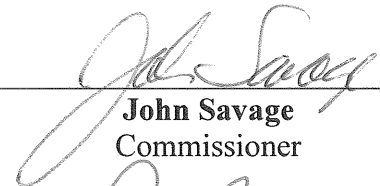
**ORDER**


IT IS ORDERED that:

1. The temporary rules attached as Appendix A are adopted.
2. The temporary rules become effective September 1, 2005.

Made, entered, and effective                     AUG 18 2005                    .

  
\_\_\_\_\_  
**Lee Beyer**  
Chairman

  
\_\_\_\_\_  
**John Savage**  
Commissioner

  
\_\_\_\_\_  
**Ray Baum**  
Commissioner



A person may petition the Commission for the amendment or repeal of a rule pursuant to ORS 183.390. A person may petition the Court of Appeals to determine the validity of a rule pursuant to ORS 183.400.

860-021-0550

Termination of Local Exchange Residential Service for Telecommunications

Customers at Significant Risk

(1) "At significant risk" means:

(a) At risk of domestic violence, as defined in ORS 135.230;

(b) At risk of unwanted sexual contact, as defined in ORS 163.305;

(c) A person with disabilities, as defined in ORS 124.005, who is at risk of abuse, as defined in ORS 124.005(1)(a), (1)(d), or (1)(e);

(d) An elderly person, as defined in ORS 124.005, who is at risk of abuse, as defined in ORS 124.005(1)(a), (1)(d), or (1)(e); or

(e) A victim of stalking, as described in ORS 163.732.

(2) A large telecommunications utility must establish and maintain procedures for submitting and receiving affidavits under section (3) of this rule.

(3) A customer may establish that termination of local exchange residential service would significantly endanger the customer or a person in the household of the customer by providing the large telecommunications utility with:

(a) An affidavit signed by the customer stating that termination would place the customer or a person in the household of the customer at significant risk. The affidavit will include the name of the person to whom the court order applies and the relationship to the customer, and the expiration date of the order; and

(b) A copy of:

(A) An order issued under ORS 30.866, 107.700 to 107.732, 124.005 to 124.040, or 163.738 that restrains another person from contact with the customer or a person in the household of the customer at significant risk; or

(B) Any other court order that restrains another person from contact with the customer or a person in the household of the customer due to a significant risk.

(4) A customer submitting an affidavit under section (3) of this rule is not excused from paying the large telecommunications utility for any telecommunications services.

(a) Customers are required to enter into a written time-payment agreement with the large telecommunications utility within ten days after submitting the affidavit when an overdue balance exists.

(b) Terms of the time-payment agreement are those in section (5) of this rule or such other terms as the parties agree upon.

(c) The large telecommunications utility may terminate the customer's local exchange residential service if the customer refuses to enter into or fails to abide by the terms of a reasonable payment agreement.

(5) A large telecommunications utility may not disconnect local exchange residential service for nonpayment if a customer who has submitted a affidavit:

(a) Pays the greater of \$10 or 25 percent of the balance owing for tariffed or price-listed services the large telecommunications utility has on file with the Commission, including:

(A) For a customer who is not eligible for Oregon Telephone Assistance Program (OTAP), the amount overdue, existing late-payment charges, any current bill, and any bill under preparation but not yet presented to the customer; or

(B) For a customer who is eligible for OTAP, the amount overdue, existing late-payment charges, any current bill, and any bill under preparation but not yet presented to the customer but excluding any toll charges or late payment charges attributable to toll charges.

(b) Enters into a time-payment agreement to bring the account into balance within 90 days of the date of the agreement; and

(c) Agrees to keep subsequent bills current.

(6) When good cause exists, the large telecommunications utility may provide, or the Commission may require, more liberal payment arrangements than those set forth in this rule after providing notice of the payment arrangements in section (5) of this rule. The large telecommunications utility must keep a written record of the reasons for such action.

(7) Nothing in this rule prevents a large telecommunications utility and a customer with an affidavit from entering into a time-payment agreement for other charges.

(8) The large telecommunications utility and the customer may agree to an alternate payment arrangement, provided the large telecommunications utility first informs the customer of the payment terms in subsection (5) of this rule.

(9) Time payments must be on a monthly basis unless otherwise agreed to by the large telecommunications utility and the customer.

(10) The large telecommunications utility may not accelerate payments under a time-payment agreement when the customer changes residences. The customer must pay tariff charges associated with the change in residence.

(11) If a customer who has submitted an affidavit fails to enter into or abide by the terms of a time-payment agreement, the large telecommunications utility may disconnect local exchange service after providing five days' notice to the customer and to the Commission's Consumer Services. The contents of the notice and manner of service must comply with OAR 860-021-0505.

Stat. Auth.: ORS Ch. 183, 756 & 759

Stats. Implemented: Ch.290, OL 2005

Hist.: New

860-034-0275

Termination of Local Exchange Residential Service for Telecommunications Customers at Significant Risk

(1) "At significant risk" means:

(a) At risk of domestic violence, as defined in ORS 135.230;

(b) At risk of unwanted sexual contact, as defined in ORS 163.305;

- (c) A person with disabilities, as defined in ORS 124.005, who is at risk of abuse, as defined in ORS 124.005(1)(a), (1)(d), or (1)(e);
- (d) An elderly person, as defined in ORS 124.005, who is at risk of abuse, as defined in ORS 124.005(1)(a), (1)(d), or (1)(e); or
- (e) A victim of stalking, as described in ORS 163.732.
- (2) A small telecommunications utility must establish and maintain procedures for submitting and receiving affidavits under section (3) of this rule.
- (3) A customer may establish that termination of local exchange residential service would significantly endanger the customer or a person in the household of the customer by providing the small telecommunications utility with:
  - (a) An affidavit signed by the customer stating that termination would place the customer or a person in the household of the customer at significant risk. The affidavit will include the name of the person to whom the court order applies and the relationship to the customer, and the expiration date of the order; and
  - (b) A copy of:
    - (A) An order issued under ORS 30.866, 107.700 to 107.732, 124.005 to 124.040, or 163.738 that restrains another person from contact with the customer or a person in the household of the customer at significant risk; or
    - (B) Any other court order that restrains another person from contact with the customer or a person in the household of the customer due to a significant risk.
  - (4) A customer submitting an affidavit under section (3) of this rule is not excused from paying the small telecommunications utility for any telecommunications services.
    - (a) Customers are required to enter into a written time-payment agreement with the small telecommunications utility within ten days after submitting the affidavit when an overdue balance exists.
    - (b) Terms of the time-payment agreement are those in section (5) of this rule or such other terms as the parties agree upon.
    - (c) The small telecommunications utility may terminate the customer's local exchange residential service if the customer refuses to enter into or fails to abide by the terms of a reasonable payment agreement.
- (5) A small telecommunications utility may not disconnect local exchange residential service for nonpayment if a customer who has submitted a valid affidavit:
  - (a) Pays the greater of \$10 or 25 percent of the balance owing for tariffed or price-listed services the small telecommunications utility has on file with the Commission, including:
    - (A) For a customer who is not eligible for Oregon Telephone Assistance Program (OTAP), the amount overdue, existing late-payment charges, any current bill, and any bill under preparation but not yet presented to the customer; or
    - (B) For a customer who is eligible for OTAP, the amount overdue, existing late-payment charges, any current bill, and any bill under preparation but not yet

presented to the customer but excluding any toll charges or late payment charges attributable to toll charges.

(b) Enters into a time-payment agreement to bring the account into balance within 90 days of the date of the agreement; and

(c) Agrees to keep subsequent bills current.

(6) When good cause exists, the small telecommunications utility may provide, or the Commission may require, more liberal payment arrangements than those set forth in this rule after providing notice of the payment arrangements in section (5) of this rule. The small telecommunications utility must keep a written record of the reasons for such action.

(7) Nothing in this rule prevents a small telecommunications utility and a customer with an affidavit from entering into a time-payment agreement for other charges.

(8) The small telecommunications utility and the customer may agree to an alternate payment arrangement, provided the small telecommunications utility first informs the customer of the payment terms in subsection (5) of this rule.

(9) Time payments must be on a monthly basis unless otherwise agreed to by the small telecommunications utility and the customer.

(10) The small telecommunications utility may not accelerate payments under a time-payment agreement when the customer changes residences. The customer must pay tariff charges associated with the change in residence.

(11) If a customer who has submitted an affidavit fails to enter into or abide by the terms of a time-payment agreement, the small telecommunications utility may disconnect local exchange service after providing five days' notice to the customer and to the Commission's Consumer Services. The contents of the notice and manner of service must comply with OAR 860-034-0260.

Stat. Auth.: ORS Ch. 183, 756 & 759

Stats. Implemented: Ch. 290, OL 2005

Hist.: New