

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

UCB 32

ASH HILL SIGNS,	)	
	)	
Complainant,	)	
	)	ORDER
vs.	)	
	)	
PORTLAND GENERAL ELECTRIC	)	
COMPANY,	)	
	)	
Defendant.	)	

**DISPOSITION: COMPLAINT DISMISSED**

On May 22, 2006, Ash Hill Signs (Complainant) filed a formal complaint, with the Public Utility Commission of Oregon (Commission), against Portland General Electric Company (PGE), disputing the amounts of certain charges made on Complainant's business account.

On June 7, 2006, PGE filed an answer in response to the complaint. PGE claims that it complied with its tariff and all applicable rules and regulations with regard to Complainant's account, and therefore the complaint should be dismissed.

On July 12, 2006, the parties held a prehearing telephone conference at which Complainant indicated that additional billing disputes had arisen between it and PGE since the filing of the original complaint. On July 19, 2006, PGE filed a supplemental answer to Complainant's additional allegations. On August 3, 2006, an Administrative Law Judge held a hearing on this matter in Canby, Oregon.

Based on the record in this matter, the Commission makes the following:

**FINDINGS OF FACT**

1. Complainant opened an account with PGE on September 25, 2004. To date, Complainant has made a total of six payments on the account<sup>1</sup>. The number of payments and the amount of each payment are not disputed by either party.

<sup>1</sup> \$107.90 on December 27, 2004; \$65.00 on April 12, 2005; \$308 on July 14, 2005; \$200.00 on December 15, 2005; \$332.11 on April 3, 2006; and \$170.00 on May 22, 2006. See PGE Exhibit D.

2. Due to irregular payments, Complainant received a total of six 15-day and four 5-day notices of disconnection during the time period from May 25, 2005 to May 4, 2006. *See* PGE Exhibit A, page 2.

3. On March 28, 2006, due to Complainant's failure to pay his bill on a monthly basis, and alleged lack of creditworthiness, PGE assessed a \$200 deposit on Complainant's account. *See* PGE Exhibit A, page 1.

4. On May 17, 2006, following the mailing of a 15-day and a 5-day disconnection notices, a PGE Field Collection Representative went to Complainant's place of business to collect the balance on the account or disconnect the service. Complainant refused to pay the balance and service was disconnected. As of the date of disconnection, Complainant owed \$446.84 on his account, \$200 of which was the deposit amount. *Id.*

5. After Complainant was disconnected, PGE charged Complainant a \$20 field visit charge and remaining service charges, applied the \$200 deposit against the outstanding balance, and rendered a closing bill of \$309.98. *Id.*

6. On May 22, 2006, Complainant met with a customer service representative (CSR) at the Commission's offices in Salem, Oregon. On that date, Complainant filed this formal complaint.

7. Pursuant to an agreement with PGE, Complainant made a payment of \$170, and service was restored May 23, 2006, pending the outcome of this proceeding. After this payment was made, Complainant had an outstanding balance of \$139.98. PGE subsequently assessed a reconnect charge of \$30 and additional energy usage charges. No subsequent payments have been made prior to the time the hearing was held in this case or this docket was closed.

## CONCLUSIONS OF LAW

### Positions of the Parties

Complainant makes numerous claims questioning the amounts owed on the account, and disputes the accuracy of PGE's requests for payment on the date of disconnection and after service was restored. Complainant indicates that communications with PGE representatives led to the belief that the account was in good standing. In addition, Complainant states that it did not receive disconnection notices, and contends that PGE had no grounds to assess a deposit to the account.

With its answer and supplemental answer, PGE provided account information as well as copies of letters sent to Complainant notifying it that a deposit would be assessed to the account. *See* Exhibits D and B. PGE also contends that all of the

charges on Complainant's account, including the \$200 deposit, were made in compliance with applicable Oregon Administrative Rules and PGE's Tariff Rules<sup>2</sup>.

### Discussion

Most of the payments on Complainant's account were made in response to disconnection notices. On those notices, PGE provided a specific amount that needed to be paid to avoid disconnection. When Complainant paid these specified amounts to avoid disconnection, Complainant apparently believed that such payments reduced the account balance to zero. *See* Staff CSR Report. In fact, due to the timing of the payments, additional energy usage and other charges had subsequently accrued to the account. Accordingly, Complainant owed additional amounts on the account at the time it paid the amounts specified on the disconnection notice.

To illustrate, a five-day notice was sent to Complainant on March 15, 2006, stating that \$332.11 was due in order to avoid disconnection. This amount consisted of a past due balance and service charges through January 26, 2006. Complainant paid this amount on April 3, 2006. By this time, however, the \$200 deposit had been assessed and additional energy charges had accrued for service from January 26, 2006 to March 28, 2006, creating an additional charge of \$381.83. The same misunderstanding apparently occurred when Complainant made a payment of \$170 to restore his service for the duration of this proceeding. While Complainant believed that this payment reduced the account balance to zero, the actual outstanding balance at that time was \$220.31.

This misunderstanding appears to stem from conversations between PGE representatives and Complainant. PGE, however, denies ever indicating to Complainant that either payment reduced the account balance to zero, and Complainant provided no evidence to the contrary. While we are sympathetic to the potentially confusing nature of the billing process, we note that the Commission CSR spent half an hour with Complainant's representative explaining the bills, and was notified, and understood, that Complainant's bill would have to be paid each month during the hearings process.

Complainant has not submitted any evidence to show that it was overcharged by PGE. Moreover, while Complainant claimed that it did not receive the disconnection notices, Complainant attached two such notices to its formal complaint. As to Complainant's allegation that PGE had no basis to assess the deposit, Complainant has failed to provide any evidence to support the allegation that PGE improperly returned payments rather than crediting the account, thus resulting in unpaid balances.

After careful review, we find no indication that PGE failed to comply with any applicable rules and tariff schedules. In light of PGE's compliance with our rules and

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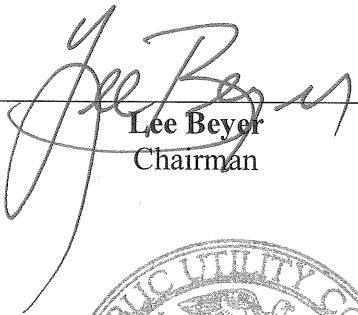
<sup>2</sup> A \$20 field service charge was made pursuant to PGE Tariff Rule E(4)(D) and Schedule 300; A \$30 reconnection fee was charged pursuant to OAR 860-021-0330, PGE Tariff Rule F(3)(A) and Schedule 300; a deposit was assessed pursuant to PGE Tariff Rule E(3)(C) and OAR 860-021-0200.

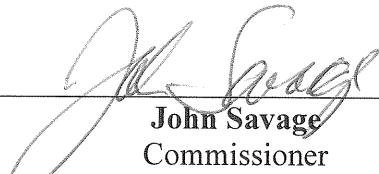
the findings of fact set forth above, the complaint submitted by Ash Hill Signs against PGE should be dismissed.

**ORDER**

IT IS ORDERED that the Complaint of Ash Hill Signs against Portland General Electric Company is dismissed, and this docket is closed.

Made, entered, and effective           AUG 22 2006          .

  
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**Lee Beyer**  
Chairman

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

  
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**Ray Baum**  
Commissioner



A party may request rehearing or reconsideration of this order pursuant to ORS 756.561. A request for rehearing or reconsideration must be filed with the Commission within 60 days of the date of service of this order. The request must comply with the requirements in OAR 860-014-0095. A copy of any such request must also be served on each party to the proceeding as provided by OAR 860-013-0070(2). A party may appeal this order by filing a petition for review with the Court of Appeals in compliance with ORS 183.480-183.484.