

ORDER NO. 16 501

ENTERED: DEC 28 2016

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UCR 181

B. R.¹,

Complainant,

vs.

PORTLAND GENERAL ELECTRIC
COMPANY,

Defendant.

ORDER

DISPOSITION: REQUEST GRANTED

In this order we authorize Portland General Electric Company (PGE) to discontinue service to complainant B.R. for failure to pay undisputed amounts pending the resolution of this complaint.

I. BACKGROUND

In his complaint filed September 9, 2016, B. R. alleged that his account with PGE would be disconnected on September 15, 2016. In completing our standard Formal Consumer Complaint form, B.R. answered "yes" to the question "is the utility disconnecting your service or refusing to serve you for failure to pay your bill?" His answer prompted the further query on the form: "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." Again, B. R. answered "yes."

As is our normal practice, on September 9, 2016, we served the complaint on PGE with instructions to answer. With the disconnection pending, PGE was asked to respond not later than 11:30 a.m. on September 12, 2016, as to whether it would agree to continue service to complainant pending resolution of the complaint. If so, then PGE was to be allowed until September 24, 2016, to file its answer. If not, then an answer pertaining to the service restoration issue would have been due on September 12, 2016, to facilitate a

¹ The Commission uses the complainant's initials in consumer complaint cases to protect consumer privacy.

telephone hearing on that matter (with an answer to the underlying complaint due September 24, 2016).

By letter dated September 12, 2016, Chief Administrative Law Judge (ALJ) Michael Grant advised counsel for PGE that he had been informed by the company that "PGE service would NOT be disconnected pending resolution of this matter." On that basis he advised PGE that "since PGE will not disconnect complainant's service while the complaint is pending, we will proceed along standard procedures governing consumer complaints." In the ordinary course a prehearing conference was scheduled and a prehearing conference memorandum was issued, adopting a schedule for this proceeding.

II. PGE'S REQUEST

On December 13, 2016, PGE filed a "Request to Clarify ALJ Grant's September 12, 2016 Letter and for a Ruling Permitting Disconnection of Electric Service in Accordance with PGE's Tariff." As grounds for its request, PGE states that B.R. has made no payment on undisputed amounts owing on his account since June 22, 2016. According to PGE, the amount due at the time the complaint was filed was \$173.99. As of December 12, 2016, the unpaid balance was \$662.20, and growing.

PGE relies on OAR 860-021-0015, which applies generally to dispute resolution between a customer and a utility. PGE cites section (5) which provides that "pending resolution of the dispute, the complainant's obligation to pay undisputed amounts continues." PGE notes that section (6)(c) further provides that "a complainant who has a registered dispute or formal complaint pending with the Commission is entitled to continued or restored service provided * * * when termination is based on nonpayment, the customer agrees to pay the undisputed charges."

PGE also cites OAR 860-021-0015(7), which provides that "if the conditions in section (6) of this rule are not satisfied, the utility has no obligation to provide continued service." PGE argues that, because B.R. has failed to pay the "undisputed charges," he is subject to termination of his service as specified in the rule.

III. B.R.'S RESPONSE

B.R. filed a response to PGE's request on December 22, 2016, and argues that PGE's request is presented "in extreme bad faith." B.R. does not dispute the fact that he has not paid undisputed amounts, but proposes that we set off the amount he owes to PGE for his unpaid bills against the amount that he believes he is owed from PGE, which, based on an amended complaint he filed with his response, amounts to \$61,050. In his view, since his demand from PGE is greater than PGE's demand from him, the threatened disconnection should not be allowed and that we should note that "efforts by defendant to threaten and manipulate complainant have resulted in a second count of relief for unlawful trade

practices, intentional infliction of emotional distress and negligent infliction of emotional distress, as contained in" his amended complaint.²

IV. DISCUSSION

We grant PGE's request to disconnect its service to B.R. in accordance with its tariff. The amount of the unpaid bills do not constitute "disputed charges" with the meaning of OAR 860-021-0015 or our Formal Consumer Complaint form, which B.R. signed as a means of maintaining service while his complaint is pending.

B.R. does not question the amounts of the bills or his own status as the customer receiving the service from PGE and using the electricity. By his proposal that we set off the amount of the bills against his claimed damages, he implicitly concedes that the amount of the bills is undisputed. His dispute with PGE has nothing to do with the amounts of the bills he has received since the filing of his complaint.

In this order we make no findings regarding the merits of B.R.'s complaint against PGE. The complaint is not dismissed. The complaint will go forward regardless of B.R.'s status as a PGE customer.

V. ORDER

IT IS ORDERED that Portland General Electric Company is authorized to discontinue its service to B.R. in accordance with its tariff.

Made, entered, and effective DEC 28 2016.



Lisa D. Hardie
Chair




John Savage
Commissioner


Stephen M. Bloom
Commissioner

A party may request rehearing or reconsideration of this order under 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 860-001-0720. A copy of the request must also be served on each party to the proceedings as provided in OAR 860-001-0180(2). A party may appeal this order by filing a petition for review with the Court of Appeals in compliance with ORS 183.480 through 183.484.

² B.R. also requested oral argument on this matter. Finding this matter to be adequately presented by the parties through pleadings, we deny that request.