

ORDER NO. 20-156

ENTERED May 07 2020

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1631

In the Matter of

PACIFICORP, dba PACIFIC POWER,

Application for Partial Waiver of OAR 860-021-0410(2) and (4), Emergency Medical Certificate for Residential Electric and Gas Service.

ORDER

DISPOSITION: STAFF'S RECOMMENDATION ADOPTED

At its public meeting on May 5, 2020, the Public Utility Commission of Oregon adopted Staff's recommendation in this matter. The Staff Report with the recommendation is attached as Appendix A.

BY THE COMMISSION:



Nolan Moser
Chief Administrative Law Judge



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 Circuit Court for Marion County in compliance with ORS 183.484.

ITEM NO. CA6

**PUBLIC UTILITY COMMISSION OF OREGON
STAFF REPORT
PUBLIC MEETING DATE: May 5, 2020**

REGULAR CONSENT EFFECTIVE DATE May 6, 2020

DATE: April 27, 2020

TO: Public Utility Commission

FROM: Mitchell Moore

THROUGH: Bryan Conway, Michael Dougherty, John Crider, and Matt Muldoon **SIGNED**

SUBJECT: PACIFIC POWER:
(Docket No. UM 1631)
Requests partial waiver of Rule relating to Emergency Medical
Certificates.

STAFF RECOMMENDATION:

Staff recommends that the Public Utility Commission of Oregon (Commission) approve Pacific Power's (Pacific or Company) partial waiver request of OAR 860-021-0410(2) and (4) for a period of six months, with an effective date of May 6, 2020.

DISCUSSION:

Issue

Whether the Commission should approve Pacific Power's request for a partial waiver of OAR 860-021-0410 subsections (2) and (4), which concerns the certification and duration of Emergency Certificates for residential customers of the utility.

Applicable Law

OAR 860-021-0410(2) requires written certification from a qualified medical professional within 14 days following oral notification of a medical condition that qualifies for an Emergency Medical Certificate.

OAR 860-021-0410(4) addresses the duration of an Emergency Medical Certificate for residential customers. Subsection (4) of this rule states: "An emergency medical

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certificate shall be valid only for the length of time the health endangerment is certified to exist, but no longer than six months without renewal for certificates not specifying chronic illnesses and no longer than twelve months for certificates specifying illnesses identified as chronic by a “Qualified Medical Professional” as defined in this rule. At least 15 days before the certificate’s expiration date, an energy utility will give the customer written notice of the date the certificate expires unless it is renewed with the utility before that day arrives.”

OAR 860-021-0005 allows the Commission to grant waivers of Division 21 rules for good cause shown.

Analysis

Background

On April 10, 2020 Pacific filed this application requesting a partial waiver to OAR 860-021-0410(2) and (4). Subsection (2) addresses the length of time (14 days) a customer must provide written certification of a medical condition following oral notification. Subsection (4) addresses the length of time that an Emergency Medical Certificate should remain in effect, and the length of time (15 days) required of the utility to give notice of expiration of the certificate. When a customer presents the Company with an Emergency Medical Certificate as described by the rule, the Company may not disconnect the customer’s utility service for non-payment.

The Company proposes to extend the 15-day renewal timeframe of the certificate to six months. Pacific also proposes waiving the necessity to provide a written certificate from a medical provider for a six-month period.

The Company seeks this flexibility in order to be responsive to the changing economic and social conditions facing customers in the wake of the COVID-19 pandemic. The Company requests the waiver to prevent health-compromised customers from needing leave their homes for a medical appointment, and to mitigate against unnecessary medical appointments during the COVID-19 pandemic. The Company requests this waiver be in effect for a period of six months. The Company will monitor the situation and continually assess the need to seek any continuance of the waiver.

Conclusion

Staff reviewed the Company’s filing and finds there is good cause to support the request due to the uncertainties and flux with the public health situation as a result of the COVID-19 pandemic.

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PROPOSED COMMISSION MOTION:

Approve Pacific's partial waiver request of OAR 860-021-0410(2) and (4) for a period of six months, with an effective date of May 6, 2020.

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