

ORDER NO. 20-209

ENTERED Jul 06 2020

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

UM 1631

In the Matter of

PORTLAND GENERAL ELECTRIC  
COMPANY,

Request to Extend Partial Waiver of OAR 860-  
021-0410(4), Emergency Medical Certificates.

ORDER

**DISPOSITION: STAFF'S RECOMMENDATION ADOPTED**

At its public meeting on June 30, 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:



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**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.

**PUBLIC UTILITY COMMISSION OF OREGON  
STAFF REPORT  
PUBLIC MEETING DATE: June 30, 2020**

REGULAR  CONSENT  EFFECTIVE DATE July 6, 2020

**DATE:** June 23, 2020

**TO:** Public Utility Commission

**FROM:** Mitchell Moore

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

**SUBJECT:** PORTLAND GENERAL ELECTRIC:  
(Docket No. UM 1631)  
Requests extension of limited waiver of rule relating to Emergency  
Medical Certificates.

**STAFF RECOMMENDATION:**

Staff recommends that the Public Utility Commission of Oregon (Commission) extend Portland General Electric's (PGE or Company) partial waiver of OAR 860-021-0410(4) for a period of 6 months, with an effective date of July 6, 2020.

**DISCUSSION:**

Issue

Whether the Commission should extend PGE's partial waiver of OAR 860-021-0410(4), which concerns the duration of Emergency Certificates for residential customers of the utility.

Applicable Law

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 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

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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 upon request or its own motion.

### Analysis

#### *Background*

On April 1, 2020, PGE filed an application requesting a partial waiver to OAR 860-021-0410(4). The rule 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.

In its filing, the Company proposed extending the 15-day renewal timeframe of the certificate to six months. Under the waiver PGE provides the customer written notice that the medical certificate is expiring and provides a six-month period for the customer to provide a renewed medical certificate. The Commission approved the waiver request at its public meeting on May 6, 2020. See Docket No. UM 1631, Order No. 20-155.

The Company sought 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 requested the waiver be in effect for an initial period of 60 days, with an intent to monitor the situation and potentially request a continuance.

Staff observes that the current waiver is set to expire on July 5, before the next available public meeting. Because the COVID-19 pandemic remains a significant public health issue, and because social distancing is still recommended, Staff recommends the Commission extend the waiver on its own motion for a period of six months. A limited waiver of the rule does not compel the Company to extend the renewal timeframe of a medical certificate, but it does provide the option if it deems it necessary.

### Conclusion

Staff finds there is good cause to extend the time for PGE’s limited waiver of the Emergency Medical Certificate rule 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 an extension of PGE's partial waiver request of OAR 860-021-0410(4) for a period of six months, with an effective date of July 6, 2020.

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