

ORDER NO. 20-476

ENTERED Dec 22 2020

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1631

In the Matter of

PORTLAND GENERAL ELECTRIC
COMPANY,

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

ORDER

DISPOSITION: STAFF'S RECOMMENDATION ADOPTED

At its public meeting on December 15, 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:



A handwritten signature in blue ink, appearing to read "Nolan Moser".

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: December 15, 2020**

REGULAR **CONSENT** **EFFECTIVE DATE** _____ **N/A**

DATE: December 4, 2020

TO: Public Utility Commission

FROM: Curtis Dlouhy and Kathy Zarate

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

SUBJECT: PORTLAND GENERAL ELECTRIC:
(Docket No. UM 1631)
Application for a Partial Waiver of OAR 860-021-0410, Emergency
Medical Certificate for Residential Electric Customers.

STAFF RECOMMENDATION:

Approve Portland General Electric's (PGE or Company) request for a partial waiver of subsections (2) of OAR 860-021-0410.

DISCUSSION:

Issue

Whether the Commission should approve PGE's request to extend the partial waiver of OAR 860-021-0410(2), allowing self-certification of medical certificates and additional time for confirmation through October 1, 2022.

Applicable Rule

OAR 860-021-0410(1) states that an energy utility shall not disconnect residential service if the customer submits certification from a qualified medical professional stating that disconnection would significantly endanger the physical health of the customer or a member of the customer's household.

OAR 860-021-0410(2) states that an energy utility must have the oral certification confirmed in writing within 14 days by a qualified medical professional prescribing medical care.

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Under OAR 860-021-0005, the Commission can grant waivers of Division 21 rules for good cause shown.

Analysis

Background

On March 8, 2020, Oregon Governor Kate Brown declared a state of emergency due to the public health threat posed by COVID-19,¹ and directed Oregonians to stay at home to the greatest extent possible in Executive Order No. 20-12 (March 23, 2020). The state of emergency has been extended, most recently in Executive Order No. 20-59 (October 27, 2020). Various orders governing social activity and economic activity in light of the pandemic have been issued, the most recent of which is Executive Order No. 20-65 (November 17, 2020). At the time of the initial declaration, it was expected that the emergency circumstances would cause an added burden to utility customers that need to renew their emergency medical certificates.

On April 1, 2020, PGE initially filed a petition in this docket to extend the 15-day renewal timeframe to six months for a period of 60 days. This was granted in Order No. 20-155 and then renewed in Order No. 20-209.

PGE filed the pending request for waiver on November 19, 2020, requesting a waiver to extend the 15-day renewal timeframe to six months through October 1, 2022, and to waive subsection (4) of OAR 860-021-0410. On December 3, 2020, PGE filed an amended waiver application that removed the request for a waiver of subsection (4).

On June 9, 2020, the Commission conducted a Special Public meeting on the “Impact to Utility Customers during the COVID-19 Pandemic and Future Economic Recovery.” As a result of this meeting, Docket No. UM 2114 was opened to address the challenges caused by the COVID-19 Pandemic. A stipulated Agreement in Docket No. UM 2114 was approved by the Commission in Order No. 20-401 on November 5, 2020.

Conditions necessitating a waiver

The ongoing COVID-19 pandemic has created added difficulty in renewing emergency medical certificates. In Docket No. UM 2114, Order No. 20-401, the Commission adopted a stipulation addressing the effects of the pandemic on energy utility customers. The terms of this order include a provision, paragraph 14, under which utilities are required to allow customers to initially self-certify for a medical certificates when it is required and submit a confirming certification from a qualified medical

¹ Executive Order 20-03 (March 8, 2020).

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professional.² This requirement extends through October 1, 2022, though the parties to the stipulation have agreed to confer on or about October 1, 2021, to determine whether to request that the Commission modify the October 1, 2022, end date.

Under the terms of the stipulation approved in Order No. 20-401, Staff agreed to review relevant administrative rules, including OAR 860-021-0410, and notify a utility if a waiver would be necessary.³ Staff's report to the Commission presenting the stipulation notes that it had already begun the required review, and that each utility will need to request a waiver of OAR 860-021-0410(2) through October 1, 2022, unless and until any permanent changes are made to the rule.

Conclusion

Based on the circumstances outlined above, Staff concludes that PGE's request for a waiver to subsection (2) of OAR 860-021-0410 demonstrates good cause and satisfies the conditions of OAR 860-021-0005.

PROPOSED COMMISSION MOTION:

Approve PGE's request for a partial waiver of OAR 860-021-0410(2) allowing self-certification of medical certificates and additional time for confirmation through October 1, 2022.

PGE UM 1631 Emergency Medical Certificate Waiver Request.

² See UM 2114, Order No. 20-401, Appendix A at 16.

³ See UM 2114, Order No. 20-401, Appendix A at 34-35.