

ORDER NO. 21-223

ENTERED Jul 15 2021

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1631

In the Matter of

PORTLAND GENERAL ELECTRIC
COMPANY,

Petition to Extend Partial Waiver of OAR
860-021-0130(2) Meter Test.

ORDER

DISPOSITION: STAFF'S RECOMMENDATION ADOPTED

At its public meeting on July 13, 2021, 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: July 13, 2021**

REGULAR CONSENT EFFECTIVE DATE Upon Approval

DATE: July 2, 2021

TO: Public Utility Commission

FROM: Curtis Dlouhy

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

SUBJECT: PORTLAND GENERAL ELECTRIC:
(Docket No. UM 1631)
Petition to Extend Partial Waiver of OAR 860-021-0130(2) Meter Test.

STAFF RECOMMENDATION:

Approve Portland General Electric's (PGE or Company) request to extend the partial waiver of OAR 860-021-0130(2) for an additional six months in response to the continuing COVID-19 public health emergency.

DISCUSSION:

Issues

Whether the Commission should approve Portland General Electric's request for a partial waiver of OAR 860-021-0130(2) for an additional six months.

Applicable Rules

OAR 860-021-0130(2) states that a customer and/or a designated representative shall have the right to be present at any meter test and that the test shall be conducted at a mutually acceptable time during regular business hours.

Under OAR 860-021-0005, the Commission may waive any of Division 21 rules for good cause shown upon request or on its own motion.

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Analysis

Background

On April 1, 2020, PGE filed an application requesting a partial waiver of OAR 860-021-0130(2) due to the COVID-19 public health emergency. PGE requested a waiver of the first sentence of this rule relating to a customer's right to be present at any meter test for a period of 60 days beginning on May 20, 2020. The Commission approved the waiver request at its public meeting on May 19, 2020.¹ On July 15, 2020, the Commission extended PGE's temporary partial waiver of OAR 860-021-0130(2) for a period of 6 months effective July 15, 2020, pursuant to Order No. 20-225. On January 11, 2021, PGE filed a request for another six-month extension, which was approved on Order No. 21-028.

PGE is requesting an additional extension due to the continuing COVID-19 public health emergency. PGE cites in its application that the evolving OSHA guidelines and ongoing vaccination efforts demonstrate good cause to grant this application. Staff agrees that this amounts to good cause shown. Staff notes that the COVID-19 infection rate has dropped dramatically since PGE last applied for an extension of this waiver, but that some problems with the recovery from the COVID-19 pandemic remain. While it is unclear whether these issues will indeed result in another outbreak, Staff supports proceeding with extra caution as Oregon and the U.S. at large return to normalcy.

Staff recommends the Commission extend the waiver due to the good cause the Company has shown for its ongoing response to the COVID-19 situation. Staff would also like to note that the six-month outlook is far different than when the Company's previous waiver extension was approved. Unless Oregon's COVID-19 situation becomes dramatically worse in six months, Staff believes this is the last time this waiver should be extended. Staff's recommendation is consistent with Oregon Executive Order No. 21-15 terminating COVID-19 restrictions effective June 30, 2021. A limited waiver of the rule does not compel the Company to utilize the waiver, but it does provide the option if it deems it necessary.

Conclusion

Staff finds there is good cause to continue to support PGE's limited waiver of the rule related to meter testing due to the continued uncertainties and flux with regards to the public health situation, inclusive of social distancing, as a result of the COVID-19 pandemic. Barring an abnormally strong resurgence of COVID-19, Staff also sees this extension as the last time it can support an extension of this waiver.

¹ See Docket No. UM 1631, Order No. 20-170.

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PROPOSED COMMISSION MOTION:

Approve Portland General Electric's request to extend the partial waiver of OAR 860-021-0130(2) for an additional six months in response to the continuing COVID-19 public health emergency.

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