

ORDER NO. 21-448

ENTERED Dec 02 2021

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1631

In the Matter of

NORTHWEST NATURAL GAS
COMPANY, dba NW NATURAL,

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

ORDER

DISPOSITION: STAFF'S RECOMMENDATION ADOPTED

At its public meeting on November 30, 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: November 30, 2021**

REGULAR CONSENT EFFECTIVE DATE Upon Approval

DATE: November 16, 2021

TO: Public Utility Commission

FROM: Curtis Dlouhy

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

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

STAFF RECOMMENDATION:

Approve Northwest Natural's (NWN or Company) request to extend the partial waiver of OAR 860-021-0130(2) through April 6, 2022, in response to the continuing COVID-19 public health emergency.

DISCUSSION:

Issue

Whether the Commission should approve Northwest Natural's request for a partial waiver of OAR 860-021-0130(2), which specifies that a customer has the right to be present for any meter test, for an additional six months through April 6, 2022.

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 7, 2020, Northwest Natural filed an application requesting a partial waiver of OAR 860-021-0130(2) due to the COVID-19 public health emergency that was granted on May 5, 2020. On July 6, 2020, the Commission extended Northwest Natural's temporary partial waiver of OAR 860-021-0130(2) for a period of 6 months through January 6, 2021. This was later extended through October 6, 2021.

Northwest Natural is requesting an additional extension due to the continuing COVID-19 public health emergency. Northwest Natural cites in its application that good cause to grant this application exists due to the fluidity of the public health emergency. Staff agrees that this amounts to good cause shown at this time. Staff notes that COVID-19 vaccination rates have improved dramatically since Northwest Natural last applied for an extension of this waiver, but that infection rates remain high and experts note that infection rates rise in the winter. While Staff notes that the conditions are far more favorable than when the Company last requested renewal for this waiver, Staff supports proceeding with extra caution as Oregon and the U.S. at large return to normalcy.

Accordingly, Staff recommends the Commission continue to waive the rule specifying that customers have the right to be present during any meter test. However, Staff notes that the long-term outlook is different than it was 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, and the return to some form of normalcy in many of Oregon's private and public spaces. 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 Northwest Natural'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. But, barring a strong resurgence of COVID-19 or new executive order by Oregon's governor declaring a public health emergency, this is likely the last extension of this waiver Staff can support.

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PROPOSED COMMISSION MOTION:

Approve Northwest Natural's request to extend the partial waiver of OAR 860-021-0130(2) for an additional six months through April 6, 2021, in response to the continuing COVID-19 public health emergency.

NWN UM 1631 Waiver of Meter Testing