

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

AR 667

In the Matter of

Rulemaking to Adopt Temporary Rules  
Related to Protections Against  
Disconnections.

ORDER

**DISPOSITION: TEMPORARY RULES ADOPTED**

This order memorializes our decision, made and effective at our December 17, 2024 Special Public Meeting, to adopt Staff's recommendation in this matter as modified below. The Staff Report with the recommendation is attached as Appendix A.

We adopt the proposed temporary rule amendments to OAR 860-021-0407, OAR 860-021-0330, and additional new temporary rules, OAR 860-021-0630, OAR 860-021-0640, and OAR 860-021-0650, related to residential customer protections against disconnection in Attachment A, effective upon filing with the Secretary of State. We adopt the proposed temporary rules with modifications to provide that the date-based moratorium will be effective on the effective date of the temporary rules and will extend through March 31.

We adopt Staff's recommendation and direct that OAR 860-021-0330(4) be implemented via the lowest cost method for each utility, balancing the savings of waiving fees for fewer program participants against the administrative cost of restricting the waiver to the lowest tier.

We adopt Staff's recommendation to direct the utilities to provide a report reflecting the impacts of these temporary customer protections, which may include the data specified in the Staff Report. Our intent in modifying Staff's recommendation is to provide Staff with space to work with the utilities on adjustments to the data needed and available to evaluate the cost impact of these temporary rules.

We do not adopt the recommendation set forth in the fourth paragraph of Staff's proposed motions but emphasize that we recognize the value of closing data gaps between expiration of COVID reporting and initiation of energy burden metrics reporting. Our intention is for docket AR 668 to address these backward-looking data requirements.

Made, entered, and effective Dec 19 2024.



**Megan W. Decker**  
Chair



**Letha Tawney**  
Commissioner



**Les Perkins**  
Commissioner



A person may petition the Public Utility Commission of Oregon for the amendment or repeal of a rule under ORS 183.390. A person may petition the Oregon Court of Appeals to determine the validity of a rule under ORS 183.400.

ITEM NO. RA1

**PUBLIC UTILITY COMMISSION OF OREGON  
STAFF REPORT  
PUBLIC MEETING DATE: December 17, 2024**

**REGULAR**      X      **CONSENT**              **EFFECTIVE DATE**              **Upon filing with  
Sec. of State**

**DATE:**        December 12, 2024

**TO:**            Public Utility Commission

**FROM:**        Michelle Scala and Kate Ayres

**THROUGH:**    Caroline Moore and Scott Gibbens

**SUBJECT:**    OREGON PUBLIC UTILITY COMMISSION STAFF:  
                  (Docket No. AR 667)  
                  Temporary Rules Related to Protections Against Disconnection  
                  Public Hearing and Commissioner Work Session  
                  Request to adopt temporary rules related to protections against  
                  disconnection.

**STAFF RECOMMENDATION:**

Staff recommends that the Oregon Public Utility Commission adopt the proposed temporary rule amendments to OAR 860-021-0407, OAR 860-021-0330, and additional new temporary rules, OAR 860-021-0630 through OAR 860-021-0650, related to residential customer protections against disconnection in Attachment A, effective upon filing with the Secretary of State.

Staff recommends that the Commission direct Portland General Electric and Pacific Power to implement OAR 860-021-0330(4) with administration of this measure to be implemented via the lowest cost method for each utility.

Staff also recommends that the Commission direct Portland General Electric, Pacific Power, Idaho Power Company, Northwest Natural Gas Company, Cascade Natural Gas Corporations, and Avista Corporation, collectively referred to as the "Utilities", to provide a report reflecting the impacts of these temporary customer protections. Staff recommends that the Utilities file a report containing the data outlined in this Staff report on July 15, 2025.

Lastly, Staff recommends that the Commission direct the Utilities to report the monthly arrears metrics outlined in the Energy Burden Metrics Report (EMBR) rules from January 1, 2024 through December 31, 2024 with the submission of its EMBR report on

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July 15, 2025, or at the time filing its next general rate revision, whichever is sooner.

## **DISCUSSION:**

### Issue

Whether the Oregon Public Utility Commission (Commission) should adopt Staff's proposed temporary rule amendments related to residential customer protections against disconnection in Attachment A, effective upon filing with the Secretary of State.

Whether the Commission should adopt Staff's recommendation to direct the Utilities to provide a report at the end of the temporary rules period containing monthly ZIP-code-level data reflecting impacts of these temporary rules.

Whether the Commission should direct the Utilities to report historical monthly arrears metrics for 2024 as outlined in the draft EMBR rules.

### Applicable Rule or Law

Pursuant to ORS 756.060, the Commission "may adopt and amend reasonable and proper rules and regulations relative to all statutes administered by the commission..." The Oregon Administrative Procedures Act sets forth the process for adoption and amendment of administrative rules and allows for the adoption or amendment of temporary rules for a period of up to 180 days in appropriate circumstances. Under ORS 183.335(5), an agency may adopt, amend, or suspend a rule without the notice or hearing required for a permanent rulemaking if the agency prepares a written statement that includes:

- (a) A statement of its findings that its failure to act promptly will result in serious prejudice to the public interest or the interest of the parties concerned and the specific reasons for its findings of prejudice;
- (b) A citation of the statutory or other legal authority relied upon and bearing upon the promulgation of the rule;
- (c) A statement of the need for the rule and a statement of how the rule is intended to meet the need; and
- (d) A list of the principal documents, reports or studies, if any, prepared by or relied upon by the agency in considering the need for and in preparing the rule, and a statement of the location at which those documents are available for public inspection.

Pursuant to ORS 756.040, the Commission has the power and duty to ensure safe and

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adequate service at just and reasonable rates, and is vested with the power and jurisdiction to supervise and regulate every public utility and telecommunications utility in Oregon, and to do all things necessary and convenient in the exercise of such power and jurisdiction.

Pursuant to ORS 757.035, the Commission has the authority to adopt and enforce safety rules and regulations "...and to require the performance of any other act which seems to the commission necessary or proper for the protection of the health or safety of all employees, customers or the public."

ORS 757.230, as amended by HB 2475, provides the Commission authority to take certain considerations into account when determining a comprehensive classification of service for each public utility; including, *inter alia*, differential energy burdens on low-income customers and other economic, social equity or environmental justice factors that affect affordability for certain classes of utility customers.<sup>1</sup>

ORS 757.695, codifying HB 2475's Section (7)(1), provides that the Commission may address the mitigation of energy burdens through bill reduction measures or programs that may include, but need not be limited to, demand response or weatherization.

OAR 860-021 outlines the rules governing customer rights and utility responsibilities related to service disconnections, reconnections, billing, and customer protections in Oregon. It specifies conditions under which utilities may disconnect service for nonpayment, establishes timelines and notice requirements, and sets standards for reconnection, including fee limitations and exceptions. The rule also includes provisions for severe weather protections.

## Analysis

### *Procedural Background*

The current proceeding is the culmination of Staff's arrearage and disconnection workstream in Phase two of Staff's HB 2475 Implementation docket, UM 2211. Following concerns with the level of arrearages and disconnections observed in 2024, Staff sought to propose interim protections that would mitigate customer harms associated with arrearages and disconnections prior to the 2024–2025 heating season.

Staff utilized feedback collected from stakeholder engagement provided in workshops and filed comments to refine a [set of recommendations](#) that was brought forward at the

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<sup>1</sup> The Energy Affordability Act (HB 2475 – 2021 Regular Session) amended ORS 756.610, ORS 757.230, and ORS 757.072 and enacted new provisions to address equity in rate setting and participating in PUC proceedings, effective January 1, 2022. OR Laws 2021 Ch. 90.

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November 26, 2024, public meeting for Commission decision. In the meeting, the Commission decided to take action on Staff's recommendation in the form of temporary rules. In addition to this procedural guidance, the Commission engaged Staff and stakeholders in significant discussion to refine Staff's recommendations based on the feasibility of near-term implementation, prioritizing impact and urgency, and the ability to defer certain proposals to a later permanent rulemaking. The Commission directed Staff in the public meeting, and memorialized in a [Memorandum](#) filed on November 27, 2024, to bring temporary rules to a near-term public meeting to address the challenges identified by Staff with the emergency around disconnections for the upcoming winter heating season for vulnerable populations.

#### *Justification for Temporary Rules*

Staff has observed increases in both arrears and disconnections in response to both seasonal usage spikes and immediately following a rate increase. It is widely known and evidenced that the health and financial consequence of an energy shut off can be significant. Research has shown energy insecurity is linked to poor respiratory health, poor sleep, food insecurity, and adverse mental health outcomes. The economic impacts of a customer's inability to pay and resulting disconnection can also lead to evictions, foreclosures, low credit scores, the inability to establish future service accounts, and children being removed from their parent's care. Further, exposure to extreme heat or extreme cold, coupled with an underlying vulnerability such as health conditions, age, or poor housing stock can lead to substantial numbers of deaths during extreme weather.

Noting this great potential for harm, Staff finds it imperative that temporary rules be adopted by the Commission in order to minimize exposure to the most unsafe disconnections and mitigate the cascading effects of energy insecurity on vulnerable households. Staff has found ample reason for concern and action related to residential disconnection including through a review of available data in [RO 12](#), the energy utility disconnection reports, and within PacifiCorp's ([UE 433](#)) and PGE's ([UE 435](#)) recently filed rate cases. Altogether, these realities and records have given evidence to emergency levels of arrears and disconnections on a trajectory toward even greater crisis and human harms in the colder winter temperatures if not expeditiously mitigated through the adoption of greater protections for utility customers.

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**Table 1. The Total Number of Residential Disconnections for Non-Payment**

Company	2018 <sup>i</sup>	2019	2020 <sup>ii</sup>	2021	2022	2023	2024 <sup>iii</sup>
PGE	574 <sup>iv</sup>	28,006	4,637	2,174	21,299	27,407	32,289
PacifiCorp	6,594	19,368	4,453	1,267 <sup>v</sup>	5,355	7,935	20,662
Idaho Power	333	852	146	146	346	355	533
NW Natural	2,876	12,151	3,388	2,551	5,071	7,181	8,116
Avista	842	2,878	602	705	1,900	2,122	1,225
Cascade	346	1,042	92	665	899	1,113	762
<b>Total</b>	<b>11,520</b>	<b>64,243</b>	<b>13,318</b>	<b>7,508</b>	<b>34,870</b>	<b>46,113</b>	<b>63,587</b>

i. Disconnection reporting began in Docket No. RO 12 in August 2018.

ii. The COVID-19 disconnection moratorium began in April 2020 and ended in August 2021. During this time utilities did not disconnect residential utility customers for non-payment.

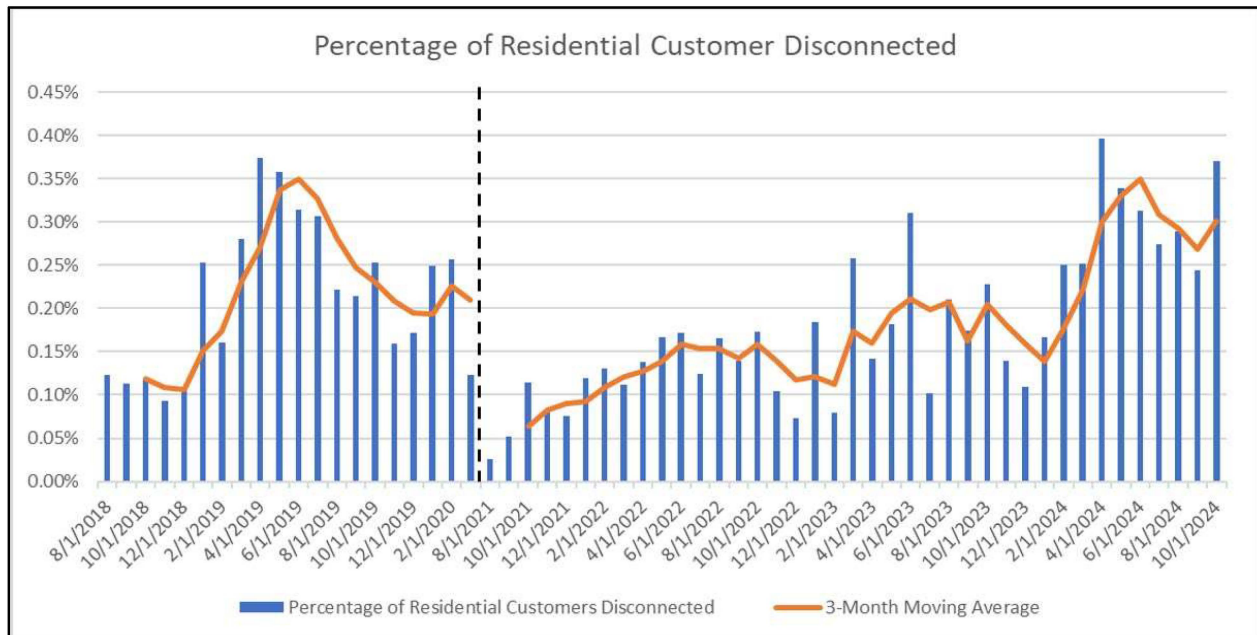
iii. Current data is available through October 2024.

iv. Due to modifications to their internal customer systems PGE did not disconnect customers from August 2018 to November 2018.

v. PacifiCorp did not disconnect residential customer for non-payment for two additional months following the end of the COVID-19 disconnection moratorium.

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**Figure 1. Residential Disconnection Trends**



In addition to the rising disconnection numbers observed in utility reporting, Staff has also grown concerned with significant differences in bill assistance and arrearage management offerings available across Investor-Owned Utility (IOU) programs, and how these differences translate to higher disconnection risk and energy insecurity between utilities. For example, referring to the RO12 table on the previous page, one can observe that Avista and Cascade Natural Gas are the only two utilities that have not outpaced 2023 residential disconnection counts in Q3 2024. It should be noted that these are also the only two utilities that proactively established HB 2475 program discounts and arrearage forgiveness options aligned to energy burden assessment data and customer income. This appears to have given these utilities' low-income customers greater access to energy security and reduced the risk of disconnection. NW Natural has recently implemented deeper discounts to the lowest income tiers following its 2024 general rate case, with arrearage options expected in 2025; however, PGE and PAC have yet to do the same absent a Commission order, and the data would show that these are the utility customers that face the highest risk of disconnection. Staff believes that utilities failing to provide reasonable safeguards against disconnection should be directed to adjust their practices and make greater efforts to keep customers connected such that a customer's service provider is not a defining factor in their ability to access power.

As such, Staff finds that immediate action is necessary to mitigate the risks of utility

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disconnections during the upcoming winter heating season. Staff's proposed temporary rules—outlined in Attachment A—aim to enhance customer protections against disconnections, provide financial relief measures to mitigate the impacts of arrearages, while also mandating better and more targeted outreach to customers and community action agencies regarding enhanced customer protections and utility programs. As explained above, failure to act promptly would result in serious prejudice to public safety and welfare, particularly for vulnerable populations. Delays in implementing protections would leave these customers at risk of losing essential utility services, with significant adverse consequences, including harm to human life.

*Materials relied upon, in compliance with ORS 183.335(5)(d):*

- Commission Memorandum from November 27, 2024, directing Staff to propose the temporary rules in this memo.<sup>2</sup>
- Stakeholder comments on Staff Report proposing near-term customer protections against disconnection:
  - Community Action Partnership of Oregon (CAPO)<sup>3</sup>
  - Alliance of Western Energy consumers (AWEC)<sup>4</sup>
  - Portland General Electric (PGE)<sup>5</sup>
  - PacifiCorp<sup>6</sup>
  - NW Natural<sup>7</sup>
- Staff Report for the November 26, 2024, Public Meeting (Item No. RA1).<sup>8</sup> This document proposes near-term customer protections against disconnection, summarizing the public process in UM 2211 and stakeholder feedback.
- Stakeholder comments on Staff's proposed Phase 2 Arrearage and Disconnection Action Plan and PUC workshops:
  - Energy Justice Advocates<sup>9</sup>
  - NW Natural<sup>10</sup>
  - Idaho Power Company<sup>11</sup>
  - Portland General Electric (PGE)<sup>12</sup>

<sup>2</sup> Docket No. UM 2211, [Memorandum](#), November 27, 2024.

<sup>3</sup> Docket No. UM 2211, [CAPO's Comments](#), November 26, 2024.

<sup>4</sup> Docket No. UM 2211, [AWEC's Comments](#), November 25, 2024.

<sup>5</sup> Docket No. UM 2211, [PGE's Final Comments](#), November 25, 2024.

<sup>6</sup> Docket No. UM 2211, [PacifiCorp's Reply Comments](#), November 25, 2024.

<sup>7</sup> Docket No. UM 2211, [NW Natural's Comments](#), November 25, 2024.

<sup>8</sup> Docket No. UM 2211, [Staff Report](#), November 20, 2024.

<sup>9</sup> Docket No. UM 2211, [Energy Justice Advocates Comments](#), November 18, 2024.

<sup>10</sup> Docket No. UM 2211, [NW Natural's Comments](#), November 15, 2024.

<sup>11</sup> Docket No. UM 2211, [Idaho Power Company's Reply Comments](#), November 15, 2024.

<sup>12</sup> Docket No. UM 2211, [PGE's Comments](#), November 15, 2024.

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- PacifiCorp<sup>13</sup>
- Avista Utilities<sup>14</sup>
- Cascade Natural Gas Corporation (CNGC)<sup>15</sup>
- Staff's proposed Phase 2 Arrearage and Disconnection Action Plan.<sup>16</sup> A public workshop concerning this Action Plan was held on November 7, 2024.
- Stakeholder comment on Staff's Arrearage and Disconnection Assessment:
  - Energy Justice Advocates' Additional Comments<sup>17</sup>
  - Idaho Power Company<sup>18</sup>
  - NW Natural<sup>19</sup>
  - PacifiCorp<sup>20</sup>
  - Cascade Natural Gas Corporation (CNGC)<sup>21</sup>
  - Joint Utilities<sup>22</sup>
  - Portland General Electric (PGE)<sup>23</sup>
  - Avista Utilities<sup>24</sup>
  - Energy Justice Advocates Initial Comments<sup>25</sup>
- Staff's Arrearage and Disconnection Assessment.<sup>26</sup> A public workshop was held on September 17, 2024.
- Staff Announcement in Docket No. UM 2211 communicating the intent to investigate disconnections and potentially initiate emergency rulemaking to change Division 21 rules related to residential disconnection protections.<sup>27</sup>
- Additional disconnection data:
  - Staff letter compiling utility disconnection data based on Q3 reports.<sup>28</sup>

<sup>13</sup> Docket No. UM 2211, [PacifiCorp's Comments](#), November 15, 2024.

<sup>14</sup> Docket No. UM 2211, [Avista Utilities' Comments](#), November 15, 2024.

<sup>15</sup> Docket No. UM 2211, [CNGC's Comments](#), November 15, 2024.

<sup>16</sup> Docket No. UM 2211, [Staff's Proposed Phase 2 Arrearage and Disconnection Action Plan](#), October 25, 2024.

<sup>17</sup> Docket No. UM 2211, [Energy Justice Advocates' Additional Comments](#), October 18, 2024.

<sup>18</sup> Docket No. UM 2211, [Idaho Power Company's Supplemental Response](#), October 9, 2024.

<sup>19</sup> Docket No. UM 2211, [NW Natural's Comments](#), October 9, 2024.

<sup>20</sup> Docket No. UM 2211, [PacifiCorp's Supplemental Comments](#), October 9, 2024.

<sup>21</sup> Docket No. UM 2211, [Cascade Natural Gas Corporations Supplemental Comments](#), October 9, 2024.

<sup>22</sup> Docket No. UM 2211, [Joint Utility Comments](#), October 9, 2024.

<sup>23</sup> Docket No. UM 2211, [PGE's Information in Response](#), October 9, 2024.

<sup>24</sup> Docket No. UM 2211, [Avista's Comments](#), October 9, 2024.

<sup>25</sup> Docket No. UM 2211, [Energy Justice Advocates' Initial Comments](#), September 24, 2024.

<sup>26</sup> Docket No. UM 2211, [Staff Residential Arrearage and Disconnection Assessment](#), September 16, 2024.

<sup>27</sup> Docket No. UM 2211, [HB 2475 Implementation of Differential Rates and Programs in Oregon](#), August 6, 2024.

<sup>28</sup> Docket No. UM 2211, [Staff Letter](#), November 22, 2024.

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- Quarterly Reports of Residential Disconnections for nonpayment and subsequent reconnections filed in Docket No. RO 12.<sup>29</sup>
- Documents in Docket No. AR 653, related to revisions to Division 21 rules to strengthen customer protections concerning disconnections.<sup>30</sup>
- Other documents and data sources consulted:
  - A 2021 study on how households cope with disconnections.<sup>31</sup>
  - A 2003 Study on the relationship between cold weather, heating expenses, and nutrition expenses.<sup>32</sup>
  - Oregon Health Authority Dashboard on Emergency Department visits related to Winter hazards.<sup>33</sup>
  - Oregon Health Authority report on Climate and Health in Oregon.<sup>34</sup>
  - Oregon Health Authority resources on Extreme Heat.<sup>35</sup>
  - Weather outlook for the Winter season 2024/2025.<sup>36</sup>

#### *Commission Guidance and Summary of Temporary Rules*

The Commission issued a Memorandum on November 27, 2024, providing Staff with clear directives on how to address and modify Staff's arrearage and disconnection recommendations into temporary rules. Such temporary rules would then be brought before the Commission at a "near-term public meeting, on a timeframe to address the emergency around disconnections for the upcoming heating season". Staff's proposed language converting this guidance into temporary rules is detailed in Attachment 1, and summarized here:

**For Natural Gas Utilities, Northwest Natural, Avista, and Cascade Natural Gas,** the temporary rules would:

- Expand low-temperature-based protections to include the 24-hours before severe weather.

<sup>29</sup> [Docket No. RO 12](#), In the Matter of Energy Utility Quarterly Report of Residential Disconnections for non-payment and subsequent reconnections per OAR 860-021-0408, the Disconnect Reporting Rule, November 20, 2024.

<sup>30</sup> [Docket No. AR 653](#), In the Matter of Revisions to Division 21 Rules to Strengthen Customer Protections Concerning Disconnections, April 18, 2023.

<sup>31</sup> Diana Hernández and Jennifer Laird, "[Surviving a Shut-Off: U.S. Households at Greatest Risk of Utility Disconnections and How They Cope](#)," in American Behavioral Scientist, Volume 66 (7), May 8, 2021.

<sup>32</sup> Jayanta Bhattacharya et al., "[Heat or Eat? Cold-Weather Shocks and Nutrition in Poor American Families](#)," in American Journal of Public Health, Volume 93 (7), July 2003.

<sup>33</sup> Oregon Health Authority, [Oregon ESSENCE Winter Hazard Report](#), December 2, 2024.

<sup>34</sup> Oregon Health Authority, [Climate and Health in Oregon](#), 2023.

<sup>35</sup> Oregon Health Authority, [Extreme Heat](#), December 2, 2024.

<sup>36</sup> Juliana Kim, "[NOAA's annual winter forecast is here. These are the weather predictions for your area](#)," in OPB, October 18, 2024.

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For **PacifiCorp (PAC) and Portland General Electric**, the temporary rules would:

- Expand low-temperature-based protections to include the 24-hours before severe weather.
- Establish a date-based cold-weather moratorium for income-qualified bill discount program participants and medical certificate accounts between December 1 – April 1.
- Require these utilities to offer one-time arrearage forgiveness to households earning at or below 0-5 percent SMI, up to \$1,000.

For **Idaho Power Company**, the temporary rules would:

- Expand eligibility for the Winter Protection Program (WPP) to the Company's monthly bill discount program participants.

The temporary rules would require **all six investor-owned utilities** to:

- Waive all reconnection charges for *at least* utility monthly bill discount participants enrolled the lowest percentage of State Median Income (SMI) tier for the program. Implementation should be done in the least cost way for each utility.
- Provide sufficient noticing and outreach related to available disconnection and arrearage protections at critical touch points, to Community Action Agencies; on the utility's website; and with sufficient Customer Service staff training. Any utility may proffer an alternative, if comparable plan for noticing touchpoints and CAA coordination.

Staff circulated draft rules reflecting the Commission's direction with UM 2211 stakeholders. Staff received valuable corrections and clarifications from the utilities and several stakeholders. Staff's proposed rules in Attachment 1 reflect this feedback.

#### *Qualified Households*

Staff's original proposal for near-term actions included several policies that would apply to "Qualified Households". However, the final set of policies identified by the Commission do not include any reference to Qualified Households. Therefore, Staff has not proposed a modified definition of "Qualified Households" to be applied in these temporary rules as directed by the Commission. The reason for this is to avoid confusion around eligibility across the different components of the temporary and existing rules. Staff has specified that the date-based moratorium under OAR 860-021-0407(2) applies to medical certificate holders and customers that participate in income-qualified discount programs.

#### *Date-based Moratorium*

Upon review of Staff's initial draft rules, PGE asked to set the date-based moratorium

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from to January 1 to March 31, instead of December 1 to April 1 as directed by the Commission. PGE makes this proposal to align the start date with the effective date of these rules, and to align the end date with the current temperature disconnection moratorium in place November through March. Staff highlights that our recommendation outlined in the temporary rule language is consistent with the Commission order. Further, Staff would note that during the November 26 meeting, while the Commission discussed the possibility of a shorter moratorium timeframe as a means of cost control, the Commission ultimately narrowed the eligibility pool for the date-based moratorium and was therefore supportive of maintaining the Staff recommended December 1 to April 1 moratorium period, expressly choosing not to further restrict the protection by reducing the window as well.

#### *Reconnection Charges*

NW Natural and PacifiCorp flagged questions related to the language prohibiting reconnection charges in Staff's initial draft rules. NW Natural asked for clarification of whether the prohibition of reconnection charges applies only for standard reconnection charges and believes that reconnect fees for after hours and holidays should not be prohibited. PacifiCorp asked for clarification of whether this applies for customers who elect to take a non-standard meter.

Staff flags that the proposal brought to the November 27, 2024, public meeting proposed elimination of all reconnection charges for the outlined subset of customers. The Commission's order is consistent with Staff's proposal and did not ask Staff to modify this language further. Staff emphasizes that in these rules, waived reconnections are afforded only to households earning at or below 0-15 percent SMI, and in reality, only those in that group who are both aware and capable of notifying the utility that they are eligible for this protection. Further, Staff is concerned that NW Natural and PacifiCorp are suggesting the Commission allow the utility to assess the highest of reconnection charges against these otherwise protected households.

PGE and NW Natural recommended removing the sentence in the draft temporary rule language in the reconnection fee (4) related to implementing the rule in the least-cost manner stating that the sentence would be better placed in the Commission order. Staff flags that this is language that came from the November 27, 2024, public meeting discussion between Commissioners, but agrees that it can live within the Commission order rather than in the rule language.

*Staff recommendation: Staff removed the language from the proposed rule and includes a recommendation for the Commission to direct Portland General Electric and Pacific Power to implement OAR 860-021-0330(4) with administration of this measure to be implemented via the lowest cost*

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*method for each utility.*

Lastly, PacifiCorp and PGE asked Staff to clarify the cost recovery mechanism for the expenses related to the temporary rules identified within the memo. Staff flags that previous docket processes, namely AR 653, did not include cost recovery. Staff is interested in learning from the costs associated with the temporary rules. PacifiCorp and PGE were particularly interested in understanding how to collect costs related to the one-time arrearage forgiveness grants. Staff believes the best venue for cost recovery of the arrearage forgiveness grant expenses is the current deferrals for the utilities bill discount programs for later recovery.

*Staff recommendation: Staff does not believe that cost recovery details need to be specified in the rules or directed by the Commission. However, Staff suggests that the utilities include the costs of implementing these rules in their existing deferrals for bill discount programs. Staff asks that the utilities take steps to isolate these costs from bill discount program costs to allow better analysis of cost drivers.*

#### *Opportunity to Address Reporting Issues*

While the main purpose of this Staff report is to address temporary rules, Staff believe that this public meeting item may offer a venue to efficiently address reporting issues that have emerged in UM 2211. Staff offers recommendations on data reporting in this Staff report so that it will be available in the event that the Commission seeks to take action on these matters at this time.

Through written comments and discussion with the Oregon Citizens' Utility Board (CUB) at the December 10, 2024, Public Meeting addressing the UM 2211 data workstream, stakeholders have flagged the importance of transparent data practices to understand the ratepayer impact of the temporary rules and to identify any additional gaps or opportunities based on customer reach. While Staff does not wish to overcomplicate the approval of these essential protections with additional decisions and requirements, Staff does find value in ensuring the ability to review a set of metrics at the conclusion of the temporary rule period, particularly given 1) the planned permanent rulemaking process that will revisit many of these protections and 2) the shared interest of Staff, stakeholders, and the Commission to evaluate the magnitude of costs associated with protections of this nature.

As such, Staff would ask the Commission to consider directing each of the utilities to provide a report at the conclusion of the temporary rules period which contains monthly data, by zip code for:

- The count of disconnections that were not completed due to revisions to

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OAR 860-021-0407(1), the addition of OAR 860-021-0407(2), or the addition of OAR 860-021-0640;

- The count of waived reconnection charges due to OAR 860-021-0330;
- The average amount of reconnection costs waived per waiver due to OAR 860-021-0330;
- The total dollar amount of reconnection costs waived due to OAR 860-021-0330;
- The count of one-time arrearage forgiveness grants issued due to OAR 860-021-0630;
- The average dollar amount of one-time arrearage forgiveness grants issued due to OAR 860-021-0630; and
- The total dollar amount of one-time arrearage forgiveness grants issued due to OAR 860-021-0630.

Staff also agrees with CUB's request that the Commission require the utilities to provide retroactive arrears data for 2024 through the first energy burden metrics report (EBMR). Eliminating gaps in this data is particularly relevant for understanding the impact of various programs and assistance offerings that have been implemented or expanded in the last year and as we move through the heating season. To this end, Staff offers the following recommendation: Direct the Utilities to provide the monthly arrears metrics specified in the EBMR rules for the time period between January 1, 2024 and December 31, 2024. Staff recommends that the Utilities submit this data as part of the submission of the first full EBMR on July 15, 2025. If a utility files a general rate revision prior to July 15, 2024, Staff recommends the retroactive monthly data be provided at that time, instead.

### Conclusion

Staff finds that the proposed actions provide implementable, strategic, and meaningful enhancements to arrearage and disconnection protections that will ultimately reduce both risk and harm for residential customers in the coming months. To this end Staff recommends that the Commission adopt the proposed temporary rule amendments to OAR 860-021-0407, OAR 860-021-0330, and additional new temporary rules, OAR 860-021-0630 through OAR 860-021-0650, related to residential customer protections against disconnection in Attachment A, effective upon filing with the Secretary of State. To understand the impacts and costs of the above proposed temporary rules, Staff recommends the utilities provide some high-level metrics at the conclusion of the temporary rule period which will also aid the formulation of the forthcoming permanent rules. Staff also finds it prudent and useful for the Utilities to provide arrears metrics data as proposed by Staff in this Report

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**PROPOSED COMMISSION MOTION:**

Adopt the proposed temporary rule amendments to OAR 860-021-0407, OAR 860-021-0330, and additional new temporary rules, OAR 860-021-0630, OAR 860-021-0640, and OAR 860-021-0650, related to residential customer protections against disconnection in Attachment A, effective upon filing with the Secretary of State.

Adopt Staff's recommendation to direct Portland General Electric and Pacific Power to implement OAR 860-021-0330(4) with administration of this measure to be implemented via the lowest cost method for each utility.

Approve Staff's recommendation to direct the Utilities to provide a report reflecting the impacts of these temporary customer protections. Staff recommends that the Utilities file a report containing the following data, per month, at the zip-code level:

- The count of disconnections that were not completed due to revisions to OAR 860-021-0407(1), the addition of OAR 860-021-0407(2), or the addition of OAR 860-021-0640;
- The count of waived reconnection charges due to OAR 860-021-0330;
- The average amount of reconnection costs waived per waiver due to OAR 860-021-0330;
- The total dollar amount of reconnection costs waived due to OAR 860-021-0330;
- The count of one-time arrearage forgiveness grants issued due to 860-021-0630;
- The average dollar amount of one-time arrearage forgiveness grants issued due to OAR 860-021-0630; and
- The total dollar amount of one-time arrearage forgiveness grants issued due to OAR 860-021-0630.

Approve Staff's recommendation to direct the Utilities to report the monthly arrears metrics outlined in the Energy Burden Metrics Report (EMBR) rules from January 1, 2024 through December 31, 2024, with the submission of its EMBR report on July 15, 2025, or at the time filing its next general rate revision, whichever is sooner.

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**Attachment 1**

**OAR 860-021-0407**

**Severe Weather Moratorium on Involuntary Disconnection of Residential and Small Commercial**

(1) Except as set forth in section (11) of this rule, an energy utility must put into effect a moratorium on the disconnection of residential service for nonpayment from November through March **during the 24 hours preceding and** on any day a temperature of less than 32 degrees Fahrenheit is forecasted by the applicable weather reporting service or a winter storm warning indicating weather conditions pose a threat to life or property is issued by the applicable weather reporting service.

(2) Except as set forth in section (11) of this rule, an electric utility must implement a date-based moratorium prohibiting the disconnection of service from December 1 through April 1 for households with a customer who:

- (a) Is enrolled in the utility's income-qualified bill discount program; or
- (b) Is a medical certificate holder under OAR 860-021-0410.

(2 3) An electric utility must put into effect a moratorium on the disconnection of residential service for nonpayment on any day a local Heat Advisory is issued by the applicable weather reporting service.

(3 4) An energy utility must put into effect a moratorium on the disconnection of residential and small commercial service for nonpayment when the Air Quality Index is at or above 100 as issued on the website AirNow.gov or a similar air quality reporting service that may be designated by the utility.

(4 5) Any moratorium activated as a result of section (1),(23), or (34) of this rule must remain in effect at least through the start of the next business day.

(5 6) For purposes of sections (1) and (23) of this rule, an energy utility must base the need for a moratorium on data available from the National Weather Service or another weather reporting service that may be designated by the utility.

(6 7) An energy utility need only apply a moratorium to the geographic area that meets the conditions in sections (1), to (3), and (4) of this rule.

(7 8) The energy utility must obtain the required forecast data no later than 8:00 a.m. each business day.

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(8 9) Each energy utility must notify the Commission's Consumer Services Section which weather reporting service and air quality service it will utilize in each geographic area served by the utility in complying with the requirements of this rule; and the energy utility must notify the Commission's Consumer Services Section upon choosing a different weather reporting service.

(9 10) Upon request from a customer who has been disconnected for nonpayment within the previous 72 hours of a severe weather or air quality condition outlined in sections (1), (23), and (34) of this rule, an energy utility must make best efforts to reconnect service. The energy utility may apply reconnection fees authorized in OAR 860-021-0330 to any reconnection.

(40 11) ~~The temperature threshold specified in s~~Sections (1) and (2) of this rule does not apply if an energy utility offers a Commission-approved winter protection program.

**Statutory/Other Authority:** ORS 756.060

**Statutes/Other Implemented:** ORS 756.040

**History:**

[PUC 10-2022, amend filed 09/30/2022, effective 09/30/2022](#)

PUC 4-2017, f. & cert. eff. 5-30-17

### **OAR 860-021-0330**

#### **Reconnection Fee for Utility Service**

When a utility service is disconnected pursuant to OAR 860-021-0305, the energy or large telecommunications utility may charge the reconnection fee in its tariff, except as provided below:

(1) For electric utilities that have the ability to perform remote reconnection, the electric utility may not assess a reconnection fee for low-income residential customers for the first two reconnections in a calendar year.

(2) For electric utilities that do not have the ability to perform remote reconnection, the electric utility may not assess a reconnection fee for low-income residential customers for the first reconnection in a calendar year.

(3) For natural gas utilities, the natural gas utility may not assess a reconnection fee for a low-income residential customer for the first reconnection in a calendar year.

(4) Energy utilities must not impose any reconnection charge for residential accounts following disconnection for non-payment provided the customer was enrolled in the

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lowest tier of the utility's income-qualified bill discount program prior to disconnection.

(4 5) Sections (1), (2), and (3) above do not apply to After Hours Reconnect as described in OAR 860-021-0328(7)(b).

**Statutory/Other Authority:** ORS 183, ORS 756, ORS 757, and ORS 759

**Statutes/Other Implemented:** ORS 756.040 and ORS 757.225

**History:**

[PUC 10-2022, amend filed 09/30/2022, effective 09/30/2022](#)

PUC 16-2001, f. & cert. eff. 6-21-01

PUC 11-1998, f. & cert. eff. 5-7-98

PUC 16-1990, f. 9-28-90, cert. eff. 10-1-90 (Order No. 90-1105)

PUC 5-1983, f. 5-31-83, eff. 6-1-83 (Order No. 83-284)

**860-021-0630**

**Arrearage Forgiveness Grant**

(1) Electric utilities must offer a one-time arrearage forgiveness grant of up to \$1,000.00 to households with incomes at or below five percent of the Oregon state median income.

(2) Section (1) of this rule does not apply to electric utilities that offer a Commission-approved winter protection program.

**860-021-0640**

**Winter Protection Programs**

An energy utility that offers a Commission-approved winter protection program must extend eligibility to include customers enrolled in its income-qualified bill discount program.

**OAR 860-021-0650**

**Energy Utility Notification of Enhanced Protections**

(1) Energy utilities must notify customers of the availability and terms of applicable enhanced protections and programs under the following circumstances:

(a) Upon customer enrollment in the utility's income-qualified bill discount program.

(b) When the customer contacts the utility regarding bill pay assistance.

(c) Upon issuance of a disconnection notice for nonpayment.

(d) Within 24 hours of a customer being disconnected for nonpayment.

(e) Upon a customer's request for reconnection following a disconnection for nonpayment.

(2) Energy utilities must:

(a) Notify partnering community action agencies of available protections for qualifying customers and provide digital or paper reference materials to assist with outreach

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efforts.

- (b) Include accessible, up-to-date information on their websites regarding the availability and terms of disconnection protections and other related programs.
- (c) Train its customer service representatives to offer and discuss applicable programs and provide accurate information on eligibility and enrollment procedures.
- (3) The requirements in sections (1) and (2) of this rule do not apply to energy utilities with Commission-approved notification and outreach plans.