

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

AR 671

In the Matter of

Rulemaking Regarding Customer
Protections.

ORDER

**DISPOSITION: ADMINISTRATIVE HEARINGS DIVISION'S
RECOMMENDATION ADOPTED WITH MODIFICATIONS;
RULES ADOPTED**

This order memorializes our decision, made and effective at our December 30, 2025 Regular Public Meeting, to adopt the Administrative Hearings Division's recommendation in this matter to adopt proposed permanent rule changes as presented in Attachment 1 of the AHD Public Meeting Report, with the following modifications addressed during the meeting:

- Recommended OAR 860-021-0009(4)(c) is amended to read "a consular identification card, regardless of expiration date;"
- Recommended 860-021-0330(3) is amended to read "An energy utility may not require a customer participating in the utility's income qualified bill discount program or a customer with a medical certificate on file with the utility to pay any outstanding balance or reconnection fee as a prerequisite for a reconnection that is requested pursuant to OAR 860-021-0406 or OAR 860-021-0407."
- Recommended OAR 860-021-0407(3) is amended to read "A disconnection moratorium required for a severe weather event will remain in effect for 48 hours after the qualifying event concludes for all residential customers."

In addition, the definition of recommended OAR 860-021-0008(13) was presented incorrectly in the Administrative Hearings Division recommendation. The section is corrected to properly reflect the Commission's decision to adopt a banded temperature threshold for severe off-season cold events as follows:

"Severe off-season cold event" means any day from May 1 through October 31 where the National Weather Service or similar weather reporting service designated by the utility has forecast a low temperature of 32 degrees Fahrenheit or below and a high temperature of 60 degrees Fahrenheit or below, or weather conditions that pose a threat to life or property.

IT IS ORDERED that:

1. The changes to the rules as set forth in Appendix A, attached to and made part of this order, with the modifications above, are adopted.
2. The amended rules become effective upon filing with the Secretary of State.

Made, entered, and effective Dec 31 2025.



Letha Tawney
Chair



Les Perkins
Commissioner



Karin Power
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. RM 1

PUBLIC UTILITY COMMISSION OF OREGON
AHD REPORT
PUBLIC MEETING DATE: December 30, 2025

REGULAR CONSENT RULEMAKING X **EFFECTIVE DATE** N/A

DATE: December 24, 2025

TO: Public Utility Commission

FROM: Chris Allwein and Michael Grant, Administrative Law Judges

THROUGH: Alison Lackey, Chief Administrative Law Judge, and Diane Davis
SIGNED

SUBJECT: RULEMAKING REGARDING CUSTOMER PROTECTIONS:
(Docket No. AR 671)
Formal Rulemaking Related to Customer Protections in Oregon
Administrative Rule (OAR) Chapter 860, Division 21.

RECOMMENDATION:

The Administrative Hearings Division (AHD) recommends that the Commission adopt the permanent new rules and amendments set forth in Attachment 1 to amend OAR Chapter 860, Division 21, related to residential customer protections, subject to the adoption of recommended modifications as presented in this report.

APPLICABLE LAW:

ORS 756.060 authorizes the Commission to adopt rules and regulations related to all statutes administered by the agency.

OAR Chapter 860 Division 021 contains the rules governing customer rights and utility responsibilities. 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.

BACKGROUND:

This rulemaking arose from the Commission's ongoing actions to implement House Bill 2475, known as the Energy Affordability Act. Shortly after the bill took effect, the Commission opened a multi-phase investigation, docket UM 2211, to address expanded language under ORS 757.230 allowing the consideration of "differential energy burdens on low-income customers and other economic, social equality or environmental justice factors that affect affordability for certain classes of utility customers" when establishing classifications, rates, and programs.

Phases 2 and 3 of docket UM 2211 focused on revising rules in OAR 860 Division 021 to provide greater protections for residential customers against the risks

associated with non-payment disconnection. Those efforts led to two prior rulemakings. In [AR 667](#) and [AR 670](#), the Commission adopted temporary rule amendments focused on increasing disconnection protections triggered by severe weather and reducing financial burdens associated with disconnection for residential customers.

The Commission opened this permanent rulemaking on May 23, 2025, to explore additional changes to utility practices surrounding residential disconnection for nonpayment through an informal rulemaking process. Commission Staff engaged with utility, advocate, and community-based stakeholders in an iterative process to examine utility disconnections in the context of elevated risk conditions. Following a robust collaborative process, Staff held multiple workshops and circulated numerous proposals for comment. Staff incorporated several modifications as recommended by stakeholders during this process. Staff held a capstone workshop on September 29, 2025.

On October 14, 2025, the Commission initiated the formal phase of this rulemaking, pursuant to Order No. 25-411, and held a rulemaking hearing on November 20, 2025. PUC Staff were present and available to answer questions about the proposed rules. The Commission accepted written comments until 3:00 p.m. on December 5, 2025.

Individuals representing many stakeholders participated in the formal rulemaking. Participants providing comments included Idaho Power Company; PacifiCorp, dba Pacific Power; Portland General Electric Company (PGE); Avista Corporation, dba Avista Utilities; Northwest Natural Gas Company, dba NW Natural; Community Action Partnership of Oregon; Jackson County Fuel Committee; Multnomah County Board of Commissioners; Multnomah County Office of Sustainability; and members of the public. Additionally, several community and energy justice advocacy organizations jointly filed comments, which included Oregon Just Transition Alliance;¹ Verde; Community Energy Project; NW Energy Coalition; Self Enhancement, Inc.; Coalition of Communities of Color; Klamath and Lake Community Action Services; and Oregon Citizens' Utility Board (collectively, the Energy Justice Advocates). The participation by all entities and persons in this process is greatly appreciated and reflected in the rules now before the Commission.

PROPOSED RULES AND COMMENTS

Below we discuss Staff's proposed rules, stakeholder comments and additional proposed rule changes, and offer recommendations for consideration. The AHD recommendations are reflected in Attachment 1.

¹ The Oregon Just Transition Alliance (OJTA) filed a written version of comments it provided at the November 30, 2025 Rulemaking Hearing. While we may consider OJTA's comments provided at the hearing, the Commission may not accept the written comments subsequently submitted because they were filed after the close of the established comment period. See ORS 183.335(14).

Uncontested New Rules and Rule Amendments

We begin by noting that many of Staff's proposed rule amendments were not contested and drew no substantive comment during the formal rulemaking process. Accordingly, we recommend that the Commission adopt without further modification the proposed, permanent amendments to the following rules: 860-021-0011 (Multilingual Notices); 860-021-0126 (Late Payment Charge); 860-021-0180 (Verification of Eligibility for Income Qualified Residential Customers); 860-021-0200 (Establishing Credit for Residential Service); 860-021-0205 (Deposit Payment Arrangements for Residential Energy Utility Service); 860-021-0215 (Refund of Deposits for Residential and Nonresidential Utility Service); 860-021-0305 (Grounds for Disconnecting Utility Service); 860-021-0328 (Reconnection of Residential Energy Utility Service); 860-021-0408 (Arrearage and Disconnection Reporting Rule); 860-021-0410 (Emergency Medical Certificate for Residential Electric and Gas Service), and; 860-021-0420 (Field Visit Charge).

In addition, Staff proposes a new rule, OAR 860-021-0520 (Energy Utility Notification of Enhanced Protections), to require energy utilities to provide certain information to residential customers. This new rule drew no substantive comment during the formal rulemaking process. In addition to the amended rules above, we recommend that the Commission adopt without modification this new, permanent rule.

In the sections below we address additional proposed changes to the rules raised during the formal rulemaking process by Staff, the Energy Justice Advocates, and NW Natural.

Staff's Rulemaking Proposals

OAR 860-021-0008 – Definitions

This rule discussion contains three parts: new definitions, revision of new definitions for clarity, and substantive changes to the off-season cold event temperature threshold.

Staff proposes to add six new definitions for OAR 860 Division 21. First, Staff proposes to replace the existing definition of "low-income residential customer" with "income-qualified residential customer," defined as "a customer or applicant whose eligibility has been verified under OAR 860-021-0180."² This change was not opposed by any participant.

Second, Staff proposes to add a definition of "severe weather" (15), which applies to four new definitions ((11), (12), (13), and (14)) identifying and defining weather conditions that would trigger moratoriums on disconnections for non-payment. Those definitions are as follows:

² Many of the uncontested rule amendments discussed above were revisions to rules throughout OAR Chapter 860 Division 021 to replace the phrase "low-income" with "income-qualified" customer.

(11) "Severe air quality event" means any day on which the Department of Environmental Quality has issued an air quality advisory, or the Air Quality Index (AQI) is forecasted to be 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.

(12) "Severe heat event" means any day on which extreme heat warning, extreme heat watch, or heat advisory conditions are present as determined by the National Weather Service or other authorized weather reporting service.

(13) "Severe off-season cold event" means any day from May 1 through October 31 where a temperature of 25 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 local, state, or national weather reporting service.

(14) "Severe on-season cold event" means any day from November 1 through April 30 where a temperature of 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 local, state, or national weather reporting service.

(15) "Severe weather" means any day on which conditions as defined in sections (11), (12), (13), or (14) of this rule are present.

The Energy Justice Advocates recommend the proposed definitions of "severe on-season cold event" and "severe off-season cold event" both include the language "or below" to more accurately reflect when the protections are triggered. The addition of "or below" is supported by PacifiCorp. The Energy Justice Advocates also believe the proposed threshold of 25 degrees Fahrenheit in the definition for a "severe off-season cold event" is too extreme and, instead recommends a two-part threshold for days with a forecasted low of 32 degrees Fahrenheit or below and a forecasted high of 60 degrees Fahrenheit or below.

AHD Recommendation

AHD recommends the Commission adopt:

- Staff's proposed definition of "Income-qualified residential customer" to replace the definition of "low-income residential customer."
- Staff's proposed definition of "severe weather."
- The Energy Justice Advocates' proposed addition of "or below" to the definitions of "severe on-season cold event" and "severe off-season cold event."

AHD further recommends the Commission adopt changes to the definitions for

purposes of clarity and consistency. As shown above, the definitions currently contain differing references to weather reporting services. For example, the definitions use, at various times, “authorized weather reporting service,” “applicable weather reporting service,” and “applicable local, state, or national weather reporting service.” To help eliminate ambiguity, we recommend the revised rule definitions set forth below.

AHD additionally recommends adopting the Energy Justice Advocates’ proposal for a banded temperature threshold. As PGE notes, this provides a single 32 degrees Fahrenheit standard year-round but limits its application for only those off-season days when the forecasted high temperature is 60 degrees Fahrenheit or below. This change is included in the proposed rule language below and in Attachment 1.

(11) “Severe air quality event” means any day on which the Department of Environmental Quality has issued an air quality advisory or the Air Quality Index (AQI) is forecasted to be ~~at or above 100 or above as issued on the website AirNow.gov or similar air quality reporting service that may be designated by the utility.~~

(12) “Severe heat event” means any day on which ~~extreme heat warning, extreme heat watch, or heat advisory conditions are present as determined by the National Weather Service or other authorized similar weather reporting service designated by the utility has issued an extreme heat warning, extreme heat watch, or heat advisory.~~

(13) “Severe off-season cold event” means any day from May 1 through October 31 where ~~a temperature of 25 degrees Fahrenheit is forecasted by the National Weather Service or applicable similar weather reporting service designated by the utility has forecast either temperatures of 32 degrees Fahrenheit or below and a high temperature of 60 degrees Fahrenheit or below, or issued a winter storm warning indicating weather conditions that pose a threat to life or property is issued by the applicable local, state, or national weather reporting service.~~

(14) “Severe on-season cold event” means any day from November 1 through April 30 where ~~a temperature of 32 degrees Fahrenheit is forecasted by the National Weather Service or applicable similar weather reporting service designated by the utility has forecast temperatures of 32 degrees Fahrenheit or below or issued a winter storm warning indicating weather conditions that pose a threat to life or property is issued by the applicable local, state, or national weather reporting service.~~

(15) “Severe weather” means any day on which conditions as defined in sections (11), (12), (13), or (14) of this rule are present.

OAR 860-021-0009 - Applications for Utility Service

Staff's proposal adds additional types of identification to section (4) that an applicant may provide to obtain utility service in lieu of a social security number and valid Oregon driver's license. Staff proposes allowing the use of a current passport or a current valid consular identification card as alternative forms of identification.

The Energy Justice Advocates recommend further expanding the rule to also allow expired documentation, such as an expired Oregon driver's license, to the accepted forms of identification. The Energy Justice Advocates note that certain, expired documentation is accepted by the Oregon Driver and Motor Vehicle Services as sufficient proof of identification, and that Senate Bill 599 (2025) requires landlords to accept a wide array identification, including expired government-issued forms of identification.

PaciCorp opposes adding passports and consular identification cards as valid forms of identification because its existing red-flag process does not allow for substantiating the validity of these identification options. PaciCorp also opposes allowing expired forms of identification and is concerned that it may prevent the utility from being able to verify who the customer is and ensure that identify theft is not occurring.

PGE is open to accepting expired forms of identification for a customer seeking to open an account. PGE notes that the Energy Justice Advocates proposal lacked suggested rule language and would appreciate the ability to review any final rule language before the PUC submits to the Secretary of State. NW Natural does not oppose Staff's proposed rule additions, although it does not believe them to be necessary as it is consistent with its current practice.

AHD Recommendation

We recommend adopting Staff's proposal to expand the use of a passport and a consular identification card as valid forms of alternative identification. We acknowledge that some utilities may need to modify their screening systems to allow these alternative forms but believe the benefits of providing additional options for identification outweigh the costs.

We also recommend adopting the Energy Justice Advocates' proposal to allow certain expired documentation as proof of identification. As noted, the use of expired forms of identification is becoming increasingly common both in practice by state agencies and in statute and helps address the current economic realities facing many communities. Consistent with the forms of identification that SB 599 requires landlords to accept, we recommend amending the rule to allow the use of federal or state government issued forms of identification, regardless of expiration date. To incorporate this recommendation, AHD proposes the following language to OAR-860-021-0009(4)(a) and (b):

(4) In lieu of providing a valid social security number or current valid Oregon driver license number under section (3) of this rule, an applicant may provide:

- (a) A valid state or federal government issued **form of** identification containing name and photograph of the person(s) responsible for payment on the account, **regardless of expiration date**;
- (b) **A current valid passport, regardless of expiration date;**
- (c) **A current valid consular identification card;**

OAR 860-021-0330 - Reconnection Fee for Utility Service

Staff proposes two changes to rules related to reconnecting service to a residential customer who had their service disconnected under OAR 860-021-0305. First, Staff proposes rule changes for section (1) to preclude a utility from charging customers a reconnection fee when:

- (a) The utility is able to remotely reconnect the residential customer's service,
- (b) The residential customer participates in the utility's income qualified bill discount program, or
- (c) The residential customer has on file with the utility a medical certificate pursuant to OAR 860-021-0410.³

Second, Staff proposes amendments to section (3) preclude a utility from requiring residential customers to pay any outstanding balance or reconnection fee as a prerequisite for a reconnection that is requested due to a wildfire evacuation or severe weather event under OAR 860-021-0406(4) and OAR 860-021-0407(15) and (16), for any customer disconnected for non-payment in the seven days previous to the event. Under the proposed rule amendments, the utility would be required to use its best efforts to restore service upon request, and any outstanding balance and reconnection fee remains the responsibility of the customer until paid in full in future billings.

NW Natural opposes the proposed rule amendments that prohibit utilities from collecting any payment of unpaid balances or fees for those customers who have been disconnected for non-payment within seven days prior to a wildfire evacuation or severe weather event. The company states that the requirement to pay a share of the outstanding balance before reconnection provides the opportunity to work out payment arrangements with the customer. According to NW Natural, losing that opportunity could be a large barrier for the customer to bring their account back to a healthy state, even with a payment plan and any arrearage forgiveness for which they may be eligible. NW Natural proposes that this prohibition be extended only to customers participating in the highest discount tier of a utility's income-qualified bill discount program.⁴

³ Staff also proposes a related change in OAR 860-021-0335(5) to reflect this proposal as an exception for the refusal to provide service for non-payment.

⁴ NW Natural final comments, Attachment A at 5 of 34 (Dec 5, 2025).

Idaho Power opposes the expansion of reconnection fee waivers. In previous comments, Idaho Power stated that “reconnection fees serve as a behavioral incentive, encouraging timely payment and helping prevent repeated service interruptions. Eliminating this consequence could lead to increased disconnection/reconnection cycling, higher arrearages, and elevated collection costs.”⁵ Idaho Power adds that even remote disconnections incur a cost by the company and are reasonably recovered from the customer causing those costs.⁶

AHD Recommendation

We recommend adopting Staff’s proposed amendments to section (1) prohibit a reconnection fee when the utility can do so remotely, or for any income-qualified or medical certified customer. We acknowledge that all disconnections and reconnections may incur costs but note that the additional protections afforded by Staff’s proposed rule amendments are important for assisting vulnerable customers’ efforts to maintain or re-establish utility service.

We recommend limiting Staff’s proposal in section (3), to prohibit utilities from requiring payment of a reconnection fee or outstanding balance as a prerequisite for reconnection for residential customers seeking reconnection after wildfire evacuation, to only those customers who are income qualified or hold a medical certificate. We believe limiting this to the most vulnerable customers is a reasonable balance of providing additional protections after such an event and acknowledging costs associated with those protections. We recommend otherwise adopting Staff’s recommendation for customers due to a severe weather event under OAR-860-021-0406(4) and OAR 860-021-0407(15) and (16). AHD proposes the following revisions and as set forth in Attachment 1:

(3) An energy utility may not require residential customers to pay any outstanding balance or reconnection fee as a prerequisite for a reconnection that is requested pursuant to:

(a) OAR 860-021-0406 section (4), when requested by a customer participating in the utility’s income qualified bill discount program or a customer with a medical certificate on file with the utility, or;

(b) OAR 860-021-0407 section (15) and (16).

(4) The utility must restore service upon request. Any outstanding balance, reconnection fee, or portion thereof remains the responsibility of the customer and may be included in subsequent bills until paid in full.

⁵ Idaho Power comments at 5 (Aug 7, 2025).

⁶ Idaho Power comments at 5 (Jul 11, 2025).

OAR 860-021-0406 - Wildfire Displacement Protection

The Commission directed Staff, at the conclusion of the informal process, to include the Energy Justice Advocates' proposed changes to provide protections for residential and commercial customers subject to a level 2 or 3 wildfire evacuation orders. Current rules require utilities to make best efforts to not disconnect a residential and commercial customer for nonpayment "on any day of a level 2 or 3 evacuation order and the day after a level 2 or 3 evacuation order has been lifted." Staff proposes extending the duration of a disconnection moratorium to two days after the evacuation order has been lifted for residential customers, but not commercial customers.

Staff also proposes changes to rules requiring utilities to make best efforts to reconnect certain customers following an evacuation order. Currently the rules require that, upon request from a customer disconnected for non-payment within 72 hours before a wildfire evacuation, an energy utility must make best efforts to reconnect the customer after the evacuation order has been lifted. Staff proposes to expand the time frame to allow customers disconnected within seven days prior to an evacuation order to request reconnection.

The table below summarizes Staff's proposed rules with regard to wildfire displacements:

Wildfire Displacement Best Efforts		
Moratorium Begins	Moratorium Ends*	Reconnection
Day of event	Two days after event for residential customers; One day after event for commercial customers.	Reconnect residential and commercial customers disconnected within 7 days prior to evacuation

The Energy Justice Advocates support Staff's proposed changes but recommend extending protections. First, they propose rule changes to allow a third-party to request reconnection on behalf of customers disconnected prior to the evacuation notice. Second, they recommend a utility to also use best efforts upon request to reconnect a customer within 7 days of a 24 to 48-hour notice of a Public Safety Power Shut-Off (PSPS). To help inform customers of these protections, the Energy Justice Advocates also recommend that the Commission require utilities to provide notice in PSPS notices. They suggest language such as: "If you've been disconnected, give us a call to be reconnected before the start of the PSPS."⁷

PGE and PacifiCorp are opposed to allowing a third-party to request reconnections on behalf of customers. While third parties may assist customers with reconnection, both utilities believe that this proposal introduces clear safety concerns as customer reconnection requires someone accountable to the customer to be home before re-powering. Without the direct involvement of the customer and the utility during remote reconnection, the utilities emphasize that service energization could face potentially life and property-threatening circumstances if power were to be turned on

⁷ Energy Justice Advocates Comments at 8-9 (Nov. 12, 2025).

where conditions are unsafe.

PacifiCorp is also opposed to requiring a utility to use best efforts to reconnect customers impacted by a PSPS.

AHD Recommendation

At the outset, AHD proposes the Commission adopt minor changes to the proposed rules for purposes of organizational clarity and consistency. We recommend that the rules should identify the entity issuing an evacuation notice and be reorganized to simplify its provisions. We also recommend the proposed rule clarify the time in which a request for reconnection following the lifting of an evacuation order may be made. Accordingly, we recommend that the rule be reorganized and revised to read:

- (1) An electric or natural gas utility must make best efforts to put into effect a moratorium on the disconnection of utility service for nonpayment for residential and commercial customers affected by a level 2 or 3 wildfire evacuation notice or order issued by the Oregon Department of Emergency Management. The moratorium will begin when the evacuation notice or order is issued and remain in effect until:
 - (a) The day after the evacuation notice or order is lifted for commercial customers; and
 - (b) Two days after the evacuation notice or order is lifted for residential customers.
- (2) After a level 2 or 3 evacuation notice or order is lifted, an electric or natural gas utility must make best efforts to reconnect, upon request and subject to reconnection fees allowed under OAR 860-021-0330, a residential or commercial customer who has been disconnected for non-payment within the previous seven calendar days of a level 2 or 3 wildfire evacuation notice or order. The request for reconnection must be made within seven calendar days after the evacuation notice or order is lifted.
- (3) The electric or natural gas utility must make best efforts to have information available on its website concerning wildfire displacement protections; and when practical, information from the utility that includes utility contact information should be available at local emergency command centers, local community-based organizations, and local media.

We recommend the Commission decline the Energy Justice Advocates' proposals to require moratoriums for PSPSs and to allow third parties to authorize reconnection requests. The recommendation to include PSPSs as grounds for disconnection moratoriums was raised late in this rulemaking, and there was little opportunity to discuss with stakeholders and clarify potential impacts to safety and wildfire planning.

Furthermore, third parties are encouraged to assist and help customers seek reconnection following an evacuation, but we agree with the utilities that safety concerns require that the authorization to request reconnection remain with the customer to ensure that service energization does not pose a threat to life or property.

OAR 860-021-0407 - Weather Moratoriums

Staff proposes several amendments to this rule to expand protections for customers during severe weather conditions, with specific provisions focused on income-qualified and medically certified customers. Staff's proposed rule revisions redefine the duration of moratoriums on disconnection of residential service for nonpayment for on-season and off-season cold events, extreme heat events, and severe air quality events. These changes revise when the disconnection moratorium begins and ends for each event and require an automatic 24-hour extension of a moratorium for income-qualified and medical certificate customers and upon request for residential customers.

The tables below summarize Staff's proposed rules regarding extreme weather events:

Residential Disconnection Moratoriums			
Events	Definition	Moratorium Begins	Moratorium Ends*
On-Season cold	≤ 32F from Nov 1 through Apr 30	24 hours prior	24 hours after event
Off-Season cold	≤ 25F from May 1 through Oct 31	Day of event	8AM the following day
Extreme Heat	Heat Warning, Watch, or Advisory issued	- Residential: 24 hours prior - Income-Qualified and Med Cert: 48 hours prior (But utility must make best efforts to immediately suspend disconnections if event happens <24 hours before forecast)	24 hours after event
Extreme Air Quality	AQI ≥100	When ACI is forecast to be ≥100	24 hrs after event

* NOTE: Utilities may not disconnect for an additional 24 hours after a moratorium ends for income qualified and medical certificate customers, or upon request by residential customers

Staff also proposes two amendments to the rule requiring utilities to use best efforts to reconnect customers affected by severe weather events. Currently the rules require that, upon request from a residential or commercial customer disconnected for non-payment within 72 hours before a severe weather moratorium, an energy utility must make best efforts to reconnect the customer. Staff proposes to expand the time frame to allow residential customers disconnected within seven days prior to a severe weather moratorium to request reconnection upon commencement of a severe weather event moratorium.

The table below summarizes Staff's proposed rules relating to best effort

reconnection requirements for both residential and commercial customers:

Residential Service Reconstructions		
Event	Qualifying Customers	Requirements
On-Season cold	Disconnected within 7 days prior of moratorium; customer requests to be reconnected	Electric and gas utilities must make best efforts to reconnect upon request
Off-Season cold		
Extreme Heat	Disconnected within 7 days prior of moratorium; customer requests to be reconnected	Electric utilities must make best efforts to reconnect upon request
Severe Air Quality		
Commercial Service Reconstructions		
Event	Qualifying Customers	Requirements
Severe Air Quality	Disconnected within 72 hours of moratorium; customer requests to be reconnected	Electric and gas utilities must make best efforts to reconnect upon request

Overall, the utilities have mixed opinions on Staff's proposals related to severe weather disconnection moratoriums. Avista generally supports the proposed rules as written but notes that several complications surrounding the actual implementation of these rules remain unresolved. NW Natural supports retaining the temporary rule protections that extended the severe weather event moratorium by one day, including the day before the expected event.

Idaho Power is generally aligned with Staff's extreme heat event proposal, supporting extended protections for specific customers up to 48 hours following the qualifying event.⁸

The Energy Justice Advocates recommend that, as they did for OAR 860-021-0406, the Commission should also adopt changes to allow a third-party to request reconnection on behalf of customers following an extreme weather event. This recommendation is again opposed by PGE and PacifiCorp for the reasons summarized above.

AHD Recommendation

For clarity, AHD recommends changes to ensure that the rule protections do not conflict with or hinder existing utility winter protection programs. The current rule section regarding winter protection programs contained a reference to a temperature threshold that is not aligned with Staff's proposed amendments and is no longer applicable. The proposed rule revisions now extend certain customer protections beyond those available via Idaho Power's current winter protection program. AHD's recommended changes to this provision are shown in rule section (7) below.

We note that Staff's proposed amendments are based on the current rule structure. Due to the magnitude of the proposed changes, AHD is concerned that amending the rules without updating the rule organization will lead to confusion, particularly where rule provisions that apply to the same severe weather event or events are

⁸ Idaho Power comments at 2 (July 11, 2025).

spread throughout the rule. Therefore, AHD recommends that the Commission consider and adopt, along with Staff's substantive amendments, non-substantive changes to organize and consolidate the proposed rule.

Staff's proposed rule states that severe weather moratoriums end 24 hours after the event, except for off-season cold events where the moratorium ends at 8:00 a.m. the day after the event. While this exception provides more specificity, AHD recommends that the Commission further simplify the rules and adopt a uniform standard that all severe weather moratoriums end 24 hours after the event. This revision would eliminate Staff's proposed section (4) and revise proposed section (3) to apply to all severe weather events under the rules. These changes are shown in strikeout below.

We recommend the Commission decline the Energy Justice Advocates' proposals to allow third parties to authorize reconnection requests, for the safety concerns as presented above.

The reorganized rule, including Staff's proposed amendments, and AHD's recommendations are set forth below and in Attachment 1:

- (1) An electric or natural gas utility must put into effect a moratorium on the involuntary disconnection of utility service for nonpayment for customers located within the geographic area affected by severe weather events as follows:
 - (a) For a severe air quality event defined in OAR 860-021-0008(11), an electric or natural gas utility may not disconnect residential or commercial service starting when severe air quality conditions are present based on forecasted data obtained no later than 8:00 a.m. each business day.
 - (b) For an extreme heat event defined in OAR 860-021-0008(12), an electric utility may not disconnect residential service starting 24 hours before the event is forecasted to occur.
 - (c) For a severe off season cold event defined in OAR 860-021-0008(13), an electric or natural gas utility may not disconnect residential service for nonpayment starting when the event is forecasted to occur.
 - (d) For a severe on season cold event defined in OAR 860-021-0008(14), an electric or natural gas utility may not disconnect residential service for nonpayment starting 24 hours before the event is forecasted to occur.
- (2) When a severe on season cold event or extreme heat event is forecast with less than 24 hours' notice, the utility must make best efforts to immediately suspend disconnections for nonpayment upon the posting of the alert.
- (3) A disconnection moratorium required for a severe ~~weather on-season cold event, heat event, or air quality weather~~ event will remain

in effect for 24 hours after the qualifying event concludes, but will extend for an additional 24 hours, for a total of 48 hours, for residential customers who are income qualified, hold a medical certificate; or request an additional 24 hours.

~~(4) A disconnection moratorium required for a severe off season cold event will remain in effect until 8:00 a.m. the day after the event concludes.~~

~~(5)~~(4) Each electric and natural gas utility must keep the Commission's Consumer Services Section informed of which weather reporting and air quality service it is using for each geographic area within its service territory to comply with the requirements of this rule.

~~(6)~~(5) An electric or natural gas utility must make best efforts to, upon request made within seven calendar days after the severe weather event ends and subject to reconnection fees allowed under OAR 860-021-0330, reconnect the following customers subject to a moratorium required by a severe weather event:

- (a) Residential customers who had been disconnected for nonpayment within the previous seven days of a severe weather moratorium.
- (b) Small commercial customers that had been disconnected for nonpayment within the previous 72 hours of a severe air quality event.

~~(7)~~(6) Nothing in this rule prohibits an electric or natural gas utility from providing customer protections that exceed the baseline standards set forth above through a winter protection program or other tariff provisions.

AHD presents the following additional options for Commission consideration.

Option A: Extend disconnection protections for 24 hours after moratorium ends only for vulnerable customers.

~~(3) A disconnection moratorium required for a severe weather event will remain in effect for 24 hours after the qualifying event concludes, but will extend for an additional 24 hours, for a total of 48 hours, for residential customers who are income qualified or hold a medical certificate or request an additional 24 hours.~~

Option B: Extend disconnection moratorium to 48 hours after the event for all residential customers.

~~(3) A disconnection moratorium required for a severe weather event will remain in effect for 24~~48~~ hours after the qualifying event concludes, but will extend for an additional 24 hours, for a total of 48 hours, for all residential customers who are income qualified or hold a medical certificate or request an additional 24 hours.~~

OAR 860-021-0515 - Residential Customer Arrearage and Bill Relief Program

Staff proposes a new rule to require energy utilities to establish an arrearage or bill relief program, to be reviewed and approved by the Commission, for residential customers enrolled in the utility's income-qualified bill discount program earning 0-15 percent of the Oregon State Median Income (SMI).

AHD Recommendation

We recommend the Commission not adopt this rule because it is no longer needed. The natural gas utilities, Northwest Natural, Cascade, and Avista, currently have customer arrearage and bill relief programs consistent with this requirement. Moreover, when the Commission opened this formal rulemaking at the October 14, 2025 Regular Public Meeting, it also adopted Staff's separate recommendation to order the electric utilities, PGE, PacifiCorp, and Idaho Power, to file such programs by August 1, 2026.⁹ Because the Commission has already ordered the remaining utilities to establish a residential customer arrearage and bill relief program, there is no need to repeat that directive in rule.

Energy Justice Rulemaking Proposals¹⁰

The Energy Justice Advocates recommend two additional rule changes.

OAR 860-021-0335: Refusal of Utility Service

The Energy Justice Advocates propose amending OAR 860-021-0335(2) to extend repayment options and notice requirements for customers that were disconnected for non-payment. Under current OAR 860-021-0335(2), a disconnected customer must, prior to reconnection, pay at least one-half of a past-due balance ahead of reconnection, and the remaining portion over the next two months. If the customer fails to pay the remaining portion within the next two billing cycles, a utility may commence disconnection with a five-day notice.

The Energy Justice Advocates seek three changes to this rule. First, given the large arrearages some customers carry, they propose to cap the minimum payment due at the time of reconnection at \$200. Second, they recommend customers be given at least six-months, not two, to pay off the remaining balance. Third, they contend that previously disconnected households who fail to pay off the remaining balance timely should be entitled to receiving a 20-day and five-day notice before disconnection.

The Energy Justice Advocates' proposed changes are redlined below:

⁹ See *In the Matter of Rulemaking Regarding Customer Protections*. Docket AR 671, [Order No. 25-411](#) (Oct 15, 2025).

¹⁰ In comments to this rulemaking, the Energy Justice Advocates also recommend that the Commission order an emergency disconnection moratorium extending through April 1, 2026 or 45 days after LIHEAP is funded in Oregon, whichever comes later. As indicated at the November 20, 2025 Rulemaking Hearing, the Commission is addressing that request outside of docket AR 671 and it will not be addressed in this memorandum.

Except for a residential customer or applicant who was disconnected for theft of service, an energy utility shall provide service to a residential customer or applicant upon receiving payment equal to at least one-half, but no more than \$200, of any overdue amount of an Oregon tariffed or price-listed charge and any other like obligation related to a prior account,

[...]

The customer shall pay the balance of the amount owed to the energy utility within ~~two-at least six~~ subsequent billing cycles of the date service is initiated. Upon failure to pay, the energy utility may disconnect service after providing a five-day notice to the customer **consistent with OAR 860-021-0405**. The notice shall contain the information set forth in OAR 860-021-0405(2)(a), (b), (c), (d)(A) and (D) and shall be served as required by 860-021-0405(5). If a customer or applicant whose service was terminated applies for service within 20 days of the termination, the provisions of this rule apply.

CUB and the Multnomah County Board of Commissioners separately expressed support for the rule changes proposed by the Energy Justice Advocates.

PacifiCorp, Idaho Power and PGE all expressed opposition to the Energy Justice Advocates minimum payment cap. PacifiCorp insists that the company uses discretion to work with customers on a case-by-case basis and may choose to accept less than half of the customer's overdue balance to reconnect and provide longer-term payment arrangements for the remaining balance. Idaho Power similarly adds that it already offers a robust set of programs to assist customers struggling to pay their bill, and believes imposing a low reconnection cap, regardless of the total past due amount, could inadvertently encourage nonpayment. PGE opposes the cap proposal because it believes this cap would create a system that has a likelihood of leading to higher levels of disconnections and arrearages over time. According to PGE, the codification of a \$200 cap would essentially serve as a maximum amount that a residential customer could be charged for service every six months and potentially create misaligned economic incentives.¹¹

PacifiCorp also opposes any changes to the current two-month payment time frame, stating that the maintenance of flexibility and discretion with the company is more appropriate. The company believes that additional payment options are sometimes necessary and will, given certain customer circumstances, extend arrangements for customers upon reconnection. PGE states that it is neutral on the proposed payment time frame extension, especially if the current rule provision of one half of the balance upfront is maintained. Idaho Power asserts that the current regulatory framework and recent rulemaking efforts already provide protection for vulnerable customers. Idaho Power recommends maintaining the current rule for reconnection policies and focusing on promoting awareness and utilization of existing bill relief

¹¹ PGE comments at 4 (Dec. 5, 2025).

and payment arrangement programs.¹²

Finally, regarding Energy Justice Advocates' notice provision proposal, PacifiCorp states all customers currently receive 20-day and 5-day notices, along with outbound phone calls, emails, and text messages, as requested by the customer. PGE is neutral on this proposal, stating that its customers go through a regular collection process after a disconnect, meaning the customer would receive a new 20-day and 5-day notice prior to being at risk of disconnection again, subject to provisions around fraud. Idaho Power states that its notice provision is compliant with current rule OAR 860-021-0405 which ensures "customers receive proper advance notice and ample time to address outstanding balances or make payment arrangements."¹³

In addition to the above comments, interested persons, community groups, and individuals provided comments supportive of Commission action generally to implement rules that address disconnections and disconnection moratoriums and the Energy Justice Advocates' proposals specifically via oral and written comments.¹⁴

AHD Recommendation

AHD acknowledges that the Energy Justice Advocates' proposal requires a balancing of interests of all customers. AHD recommends adopting the Energy Justice Advocates' recommendation, with modification: to extend the payment period from two billing cycles to six and revise the notice provisions for all customers, but limit the payment cap to income-qualified and medical certificate customers. We recommend extending the payment period under rule to six billing cycles but not establishing a six-month period as a minimum for all customers as proposed by the Energy Justice Advocates. The utilities note that payment extensions are already extended beyond the 2-month period on a case-by-case basis, and that additional notice is provided in certain circumstances.¹⁵ The proposed rule language is set forth below and reflected in Attachment 1.

(2) Except for a residential customer or applicant who was disconnected for theft of service, an energy utility shall provide service to a residential customer or applicant upon receiving payment equal to at least one-half, **but no more than \$200 for an income qualified or medical certificate customer**, of any overdue amount of an Oregon tariffed or price-listed charge and any other like obligation related to a

¹² Idaho Power comments at 2 (Dec. 5, 2025).

¹³ *Id.*

¹⁴ See, November 20, 2025, Rulemaking Hearing Tr. at 21 (Community Action Partnership of Oregon); at 28-29 (Multnomah County Office of Sustainability); at 35 and 49-51 (Oregon Citizens' Utility Board); at 39-40 (Jeremy Beausoleil Smith); at 45-46 (Joint Energy Justice Advocates); at 48 (Verde), and; at 41 and the translation addendum (Soledad Molina). Several of these rulemaking hearing participants provided a written version of their comments which are available on the AR 671 docket.

¹⁵ See, PacifiCorp Comments at 2 regarding longer-term payment options, and see PacifiCorp Comments at 3 and PGE comments at 4 regarding notice provision practices by each company (Dec 5, 2025).

prior account, except deposits which must be paid in full, provided the customer or applicant has made reasonable partial payment on the account during the time service has been discontinued. An energy utility may not require a deposit to be paid by an income-qualified residential customer. The customer shall pay the balance of the amount owed to the energy utility within ~~two~~ **six** subsequent billing cycles of the date service is initiated. Upon failure to pay, the energy utility may disconnect service after providing ~~a five-day~~ notice to the customer **consistent with OAR 860-021-0405**. The notice shall contain the information set forth in OAR 860-021-0405(2)(a), (b), (c), (d)(A) and (D) and shall be served as required by 860-021-0405(5). If a customer or applicant whose service was terminated applies for service within 20 days of the termination, the provisions of this rule apply.

As an alternative, AHD recommends that the Commission could adopt the three proposed amendments but limiting their application to income qualified and medical certificate customers.

(2) Except for a residential customer or applicant who was disconnected for theft of service, an energy utility shall provide service to a residential customer or applicant upon receiving payment equal to at least one-half, **but no more than \$200 for an income qualified or medical certificate customer**, of any overdue amount of an Oregon tariffed or price-listed charge and any other like obligation related to a prior account, except deposits which must be paid in full, provided the customer or applicant has made reasonable partial payment on the account during the time service has been discontinued. An energy utility may not require a deposit to be paid by an income-qualified residential customer. The customer shall pay the balance of the amount owed to the energy utility within two subsequent billing cycles of the date service is initiated, **or at least six billing cycles if the customer is an income qualified or medical certificate customer**. Upon failure to pay, the energy utility may disconnect service after providing a five-day notice to the customer, **or consistent with OAR 860-021-0405 if the customer is an income qualified or medical certificate customer**. The notice shall contain the information set forth in OAR 860-021-0405(2)(a), (b), (c), (d)(A) and (D) and shall be served as required by 860-021-0405(5). If a customer or applicant whose service was terminated applies for service within 20 days of the termination, the provisions of this rule apply.

Under any of these approaches, the Commission may additionally consider whether to adopt an alternative cap amount. (e.g., increase the cap on the initial payment, possibly to \$400 (which is the average initial payment amount under current rules)).

OAR 860-021-XXXX: Moratorium Authority

The Energy Justice Advocates propose a new rule to allow the Commission to authorize disconnection moratoriums when customers face extreme or environmental conditions. They provided rule language to require utilities, upon Commission Order, to enact a temporary moratorium on residential disconnections for nonpayment based on “economic, societal, and/or environmental conditions that threaten the wellbeing and safety of residential customers.” The Energy Justice Advocates define such conditions to include economic recessions, significant job loss, government shutdown, and force majeure events including floods, wars, civil strife, and others.

In separate comments, CUB offered support of the Energy Justice Advocates’ proposal to help ensure a clearer procedural pathway for the Commission to impose a temporary disconnection moratorium under specified circumstances. CUB proposed additional language to indicate that a petition for a temporary moratorium could be filed by the “Public Utility Commission Staff, the residential ratepayer advocate, and other organizations representing residential customers * * *.”¹⁶ CUB also proposed other minor wording edits to help clarify various provisions in the rule.

PGE, PacifiCorp, and Idaho Power oppose the recommendation because the Commission already holds authority under ORS 756.040 to issue emergency directives when necessary. They note that the Commission already has broad authority under ORS 756.040(2) to impose moratoriums for any reason it deems necessary in carrying out its regulatory responsibilities. PacifiCorp also notes that the Commission’s actions to impose a moratorium in Order No. 20-401 during the COVID-19 pandemic show that no specific enumeration of permissible reasons for imposing moratoriums is required by statute or precedent.

AHD Recommendation

We recommend the Commission not adopt this rule for two reasons. First, the Commission has been delegated “the broadest authority—commensurate with that of the legislature itself—for the exercise of [its] regulatory function,”¹⁷ and has previously used that authority to adopt disconnection moratoriums and take other emergency actions to protect customers and the public generally.¹⁸ Thus, reciting this authority in rule is unnecessary and provides the Commission with no additional authority.

Second, adopting the proposed rule could have the unintended effect of appearing to limit the Commission’s broad statutory authority. While the proposed rule does a commendable job of identifying many potential scenarios that might support the Commission ordering an emergency disconnection moratorium, no rule can identify all potential reasons to support such action. The Commission will ultimately need to

¹⁶ CUB’s December 3, 2025 Comments at 1.

¹⁷ *Pacific Northwest Bell Tel. Co. v. Sabin*, 21 Or App 200, 214, 534 P2d 984, rev den (1975).

¹⁸ See, for example, Order No. 20-324, regarding Commission actions during the COVID pandemic.

consider all facts presented in making any decision to take emergency action.

The Commission might benefit from a rule providing clarification and guidance as to how it will receive and evaluate a proposal for an emergency disconnection moratorium in the future. We note, for example, CUB proposed additional language identifying who could file a request. Given the timing of this proposal, which was raised after initiation of the formal rulemaking process, and the time constraints associated with this rulemaking, there was not adequate time to develop a rule that provides guidance on the process and filing requirements.

NW Natural's Rulemaking Proposal

In this rulemaking proceeding NW Natural emphasized that, because this rulemaking is a result of the Commission's efforts to implement House Bill 2475 (2021), the incremental costs associated with these rule changes should be eligible to be included in energy utilities' House Bill 2475 accounting deferrals to be considered for recovery in future ratemaking proceedings. NW Natural further recommended draft rule language to ensure a means by which the Commission can authorize such cost recovery to achieve a more constructive balance of the interests of income-qualified customers, the utilities, and all utility customers.

AHD Recommendation

We recommend the Commission not adopt this recommendation. The Commission previously signaled support for use of UM 2475 deferrals in Order No. 25-411 and believes that there is no reason to place such information in rule.

PROPOSED COMMISSION MOTION:

Adopt the permanent rules and amendments set forth in Attachment 1 to amend OAR Chapter 860, Division 21, related to residential customer protections.

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Attachment 1, Page 1

ATTACHMENT 1

AR 671 Proposed Redline of Oregon Administrative Rules

RULES:

860-021-0008, 860-021-00109 860-021-0011, 860-021-0126, 860-021-0180, 860-021-0200, 860-021-0205, 860-021-0215, 860-021-0328, 860-021-0330, 860-021-0335, 860-021-0406, 860-021-0407, 860-021-0408, 860-021-0420, 860-021-0520

860-021-0008

RULE TITLE: Definitions for Regulation of Utility Services

RULE SUMMARY: The rule changes add definitions for “income-qualified residential customer,” “severe air quality event,” “severe heat event,” “severe off-season cold event,” “severe on-season cold event,” “and “severe weather.”.

RULE TEXT:

(1) “Applicant” means a person who:

- (a) Applies for service with an energy or large telecommunications utility;
- (b) Reapplies for service at a new or existing location after service has been discontinued; or
- (c) Has not satisfied the requirements of OAR 860-021-0205 or 860-021-0335(2) within the required time period, if either rule is applicable.

(2) “Co-customer” means a person who meets the definition of “customer” and is jointly responsible with another person for utility service payments on an account with the energy or large telecommunications utility. If only one co-customer discontinues service in their name, the remaining co-customer shall only retain customer status if they reapply for service in their own name within 20 days of such discontinuance, provided the energy or large telecommunications utility contacts the remaining co-customer or sends the remaining co-customer a written request for an application within one business day of the discontinuance.

(3) “Customer” means a person who has applied for, been accepted, and is currently receiving service.

Notwithstanding section (1) of this rule, a customer who voluntarily disconnects service and later requests service with the same utility at a new or existing location within 20 days after disconnection retains customer status.

(4) “Energy utility” has the meaning given to a public utility in ORS 757.005, except water and wastewater. An energy utility can be an “electric company,” “gas utility,” or “steam heat utility.”

(5) “Income-qualified residential customer” means a customer or applicant whose eligibility has been verified under OAR 860-021-0180

(56) “Large telecommunications utility” means any telecommunications utility, as defined in ORS 759.005, that is not partially exempt from regulation under ORS 759.040.

(67) “Local exchange service” has the meaning given to “local exchange telecommunications service” in ORS 759.005(1)(c).

(7) ~~“Low income residential customer” means a customer or applicant whose eligibility has been verified under OAR 860-021-0180.~~

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Attachment 1, Page 2

(8) "OTAP" has the meaning given to "Oregon Telephone Assistance Program" in OAR Chapter 860, Division 033.

(9) "Registered dispute" means an unresolved issue between a customer or applicant and an energy or large telecommunications utility that is under investigation by the Commission's Consumer Services Section but is not the subject of a formal complaint.

(10) "Regulated charges" means charges for services delivered in Oregon and subject to the jurisdiction and approval of the Commission.

(11) "Severe air quality event" means any day on which the Department of Environmental Quality has issued an air quality advisory or the Air Quality Index (AQI) is forecasted to be 100 or above on the website AirNow.gov or a similar air quality reporting service designated by the utility.

(12) "Severe heat event" means any day on which the National Weather Service or similar weather reporting service designated by the utility has issued an extreme heat warning, extreme heat watch, or heat advisory.

(13) "Severe off-season cold event" means any day from May 1 through October 31 where the National Weather Service or similar weather reporting service designated by the utility has forecast either temperatures of 32 degrees Fahrenheit or below and a high temperature of 60 degrees Fahrenheit or below, or issued a winter storm warning indicating weather conditions that pose a threat to life or property .

(14) "Severe on-season cold event" means any day from November 1 through April 30 where the National Weather Service or similar weather reporting service designated by the utility has forecast temperatures of 32 degrees Fahrenheit or below or issued a winter storm warning indicating weather conditions that pose a threat to life or property.

(15) "Severe weather" means any day on which conditions as defined in sections (11), (12), (13), or (14) of this rule are present.

(16) "Utility" means all large telecommunications and energy utilities, as defined in sections (4) and (56) of this rule, except when a more limited scope is explicitly stated.

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

Statutes/Other Implemented: ORS 756.010, ORS 757.005, ORS 759.005, ORS 757.230

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860-021-0009

RULE TITLE: Applications for Utility Service from an Energy or Large Telecommunications Utility
RULE SUMMARY: This rule change adds additional forms of identification to be accepted when applying for service.

RULE TEXT:

- (1) An application for energy or telecommunications utility service must be made when:
 - (a) Service is requested by a person who has not previously been served by the energy or large telecommunications utility;
 - (b) Service has been involuntarily discontinued in accordance with these rules, and the person later seeks to have service restored; or
 - (c) Service has been voluntarily discontinued, and a request to restore service has not been made within 20 days.
- (2) An application is a request for energy or telecommunications utility service. The energy or large telecommunications utility shall not accept an application for service until the applicant establishes credit as set forth in OAR 860-021-0200 and 860-021-0205. However, the energy or large telecommunications utility may refuse a service application under OAR 860-021-0335.
- (3) An energy or large telecommunications utility may require an applicant to provide the following information when applying for service:
 - (a) The name of person(s) responsible for payment on the account;
 - (b) The name to be used to identify the account, if different than the actual name;
 - (c) The birth date of person(s) responsible for payment on the account;
 - (d) The social security number of person(s) responsible for payment on the account;
 - (e) A current valid Oregon driver license number of the person(s) responsible for payment on the account;
 - (f) The service address;
 - (g) The billing address, if different than service address; and
 - (h) Any available telephone numbers where the applicant can be reached night and day.
- (4) In lieu of providing a valid social security number or current valid Oregon driver license number under section (3) of this rule, an applicant may provide:
 - (a) A state or federal government issued form of identification containing name and photograph of the person(s) responsible for payment on the account, regardless of expiration date;
 - (b) A passport, regardless of expiration date;
 - (c) A current valid consular identification card;
 - (d) A combination of:
 - (A) An original or certified true copy of his or her birth certificate;
 - (B) A current identification from school or employer containing a photograph; and
 - (C) The name, address, and telephone number of a person who can verify the applicant's identity, such as a teacher, employer, or caseworker; or,
 - (ee) Other information deemed sufficient by the utility to establish an applicant's identification.
- (5) If an applicant is denied service for failure to provide an acceptable form of identification, the applicant may pursue conflict resolution under the Commission's rules.
- (6) Upon request, the energy or large telecommunications utility shall protect the account from access by others through the use of a personalized password or other means acceptable to both the energy or large telecommunications utility and the customer.
- (7) A large telecommunications utility shall protect the identity of a customer at risk of domestic violence or other abuse. At its option, the large telecommunications utility shall provide the identity protection by allowing the customer to use a modified or alternative name for a directory listing or by providing, at no cost, a non-published listing in accordance with other applicable tariff provisions for the length of time the endangerment exists. A customer requesting a nonpublished listing under this section must provide:
 - (a) A copy of a court order that restrains another person from contact with the customer by reason of risk of domestic violence, as defined in ORS 135.230, or unwanted sexual contact, as defined in ORS 163.305, abuse, as defined by the Elderly and Disabled Person Abuse Prevention Act, ORS 124.005 et seq., or stalking, as defined by ORS 163.730 et seq.; and
 - (b) An affidavit, stating that the customer is financially unable to pay for the nonpublished listing.

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860-021-0011

RULE TITLE: Multilingual Notices

RULE SUMMARY: This rule change clarifies the languages in which multi-lingual notices must be provided.

RULE TEXT:

(1) All energy utilities' and large telecommunications utilities' disconnect notices shall contain the following information translated into Spanish, Vietnamese, Cambodian, Laotian, and Russian **or the five most used non-English languages in an energy utility's service territory:** IMPORTANT NOTICE: Your (electric, gas, or telephone) services will be shut off due to an unpaid balance on your account. You must act immediately to avoid shutoff. Important information about how you can avoid shutoff is printed in English in the enclosed notice. If you cannot understand English, please find someone to translate the notice. If translation assistance is unavailable, please contact (name) at (phone number) who will try to help you. Information on customer's rights and responsibilities printed in this language is also available by calling that number. **YOU MUST ACT NOW TO AVOID SHUTOFF.**

(2) The Commission will translate a customer's rights and responsibilities summary into the designated non-English languages and provide copies to utilities. The customer information published by an energy or large telecommunications utility pursuant to OAR 860-021-0010 shall prominently display the following information printed in the designated non-English languages, in boldface, at the beginning of the summary: A version of a customer rights and responsibilities summary printed in this language is available by calling (name of utility) at (phone number).

(3) The energy or large telecommunications utility shall record all requests and promptly send the requested version of the summary to the customer.

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

Statutes/Other Implemented: ORS 756.040, OL 1987, Ch. 290

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Attachment 1, Page 5

860-021-0126

RULE TITLE: Late-Payment Charge

RULE SUMMARY: This rule change updates language from “low income” to “income-qualified.”

RULE TEXT:

(1) Except as provided in section (2) of this rule, an energy or large telecommunications utility may apply a late-payment charge to customer accounts not paid in full each month, provided the utility has filed the late-payment charge in its rate schedule.

(2) An energy utility shall not impose late-payment charges on residential customers unless:

(a) The energy utility offers residential customers a preferred billing date option under which the customer can select or change a bill date. Utilities shall not be required to change a customer’s bill date more than once in any 12-month period;

(b) The energy utility’s rate schedule provides that the late charge is not applied on residential balances less than \$200; or

(c) The charge is applied only to amounts carried forward for two consecutive months.

(3) An energy utility shall not impose late-payment charges on the accounts of ~~low income~~ **income-qualified** residential customers.

(4) The charge will be based on a monthly late-payment rate applied to overdue account balances at the time of preparing the subsequent month’s bill for residential accounts or by the bill due date for all other accounts. The late-payment charge may not be applied to time-payment or equal-payment accounts that are current. The Commission will determine the late-payment rate based on a survey of prevailing market rates for late-payment charges of commercial enterprises and will advise all utilities of the changes in the rate they may use to determine late-payment charges on overdue customer accounts as needed. The current late-payment rate and the conditions for its application to customer accounts shall be specified on the energy or large telecommunications utility bill.

Statutory/Other Authority: ORS 183, ORS 756

Statutes/Other Implemented: ORS 756.040, ORS 757.230

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Attachment 1, Page 6

860-021-0180**RULE TITLE: Verification of Eligibility for Low-Income Income-Qualified Residential Customers**

RULE SUMMARY: This rule change establishes the requirements for a residential customer to qualify as an eligible income-qualified residential customer.

RULE TEXT:

(1) A residential customer shall qualify as an-eligible ~~low-income residential~~ income-qualified customer for purposes of these Division 21 rules through the following methods:

- (a) The customer is a recipient of energy assistance within the past 12 months through the Low-Income Home Energy Assistance Program (LI HEAP) or the Oregon Energy Assistance Program (OEAP) or an energy assistance program offered by an energy utility; or
- (b) The customer is enrolled in any of the utility's income-qualified energy assistance programs or qualifies to enroll in any program offered by a utility to residential customers based on differential energy burdens based on factors that affect affordability pursuant to ORS 757.230(1).

(2) ~~Except where a utility is authorized to verify or recertify an existing income-qualified residential customer's eligibility, A~~an energy utility must allow a customer to self-certify as an ~~eligible low-income~~ income-qualified residential customer based on income that is at or below 60 percent of the Oregon state median income ~~or participation in other low income assistance programs offered in Oregon.~~

(3) An energy utility may require ~~a low income~~ an income-qualified residential customer to verify or recertify eligibility as per section (1) of this rule on an annual basis if the customer is to remain an eligible ~~low-income~~ income-qualified residential customer.

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

Statutes/Other Implemented: ORS 757.230

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860-021-0200**RULE TITLE: Establishing Credit for Residential Utility Service**

RULE SUMMARY: This rule change updates language from “low income” to “income-qualified.”

RULE TEXT:

(1) An applicant or customer may demonstrate satisfactory credit for new or continuing service by showing any of the following, provided that a deposit is not required under section (2) of this rule:

(a) Received 12 months of continuous utility service of the same type applied for (energy or telecommunications) during the preceding 24 months and the utility can verify a prior service account in the customer or applicant’s name, either by the applicant’s account history with the utility or by contacting a former utility or through an authorized letter provided by the applicant or customer from the former utility on utility letterhead that includes the following:

(A) Name(s) of the responsible person(s) on the account;

(B) Date of service;

(C) A statement that the customer was not disconnected for nonpayment during the final 12 months of service; and

(D) A statement that the applicant or customer voluntarily terminated service and timely paid for all services rendered.

(b) Meets Commission approved minimum credit requirements based on a third party credit report score or the energy or large telecommunications utility’s own credit scoring formula; or

(c) Proof of ability to pay by providing either:

(A) Proof of employment during the entire 12 months previous to the application of service for person(s) responsible for payment on the account and a work telephone number to enable the energy or large telecommunications utility to verify employment; or

(B) A statement or other documentation from the income provider or an authorized representative, that the energy or large telecommunications utility can verify, indicating that the applicant or customer receives a regular source of income.

(2) An applicant or customer who is not a ~~low-income~~ **income-qualified** residential customer may be required to pay a deposit at the time of application for new or continued service when:

(a) The applicant or customer is unable to establish credit as defined in section (1) of this rule;

(b) The applicant or customer received the same type of utility service from it or any Oregon energy or telecommunications utility, as defined in ORS 757.005 or ORS 759.005, within the preceding 24 months and owed an account balance that was not paid in full when service was terminated. This subsection does not apply to a customer who registered a dispute with the Commission within 60 days after service was terminated and who paid all undisputed or adjudicated amounts; or

(c) The applicant or customer was previously terminated for theft of service by any Oregon utility as defined in ORS 757.005 or ORS 759.005, was found to have tampered with the meter or other utility facilities, or was otherwise found to have diverted utility service.

(3) In lieu of paying a deposit, an applicant or customer may:

(a) Provide the energy or large telecommunications utility a written surety agreement from a responsible party to secure payment in an amount equal to two months' average usage, which may be transferred to the responsible party’s account as established in OAR 860-021-0334. For purposes of section (3) of this rule, a responsible party is a customer of the same utility that has maintained credit in good standing for the preceding 12 months without receiving a past due notice or incurring involuntary disconnection. The surety agreement

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obligation will automatically terminate should the responsible party no longer meet the conditions set forth herein. In the event a responsible party is subsequently found not to qualify, the applicant or customer will be required to either pay a deposit or obtain a written surety agreement from another responsible party. The surety obligation ceases when the customer establishes good credit; or

(b) For energy utilities, elect to use demand limiter or “pay as you go” metering, if equipment is available.

(4) For energy utilities, a deposit required under this rule shall not exceed one-sixth the amount of reasonable estimated billing for 12 months at rates then in effect. This estimate shall be based upon actual use at the premises during the prior 12 months, if known, or will be estimated based upon the type and size of the equipment at the premises. Each deposit shall be rounded to the nearest whole dollar.

(5) For large telecommunication utilities, a deposit required under these rules shall be based upon two months' average or estimated bills for usage of the applicable telecommunications utility's tariff and price-listed services. Each deposit shall be rounded to the nearest whole dollar. For telecommunications service, applicants eligible for Oregon Telephone Assistance Program (OTAP) funding and who voluntarily elect to receive toll-blocked service, no deposit may be charged. The large telecommunications utility shall make toll blocking available at no charge to all applicants identified in OAR 860-033-0030.

(6) A new or additional deposit, calculated as provided by sections (4) and (5) of this rule with the most recent information available, may be required from a customer as a condition of continued service when:

(a) The energy or large telecommunications utility discovers that the customer gave false information to establish an account and/or credit status;

(b) The energy or large telecommunications utility discovers that the customer has stolen utility service, has tampered with the meter or other utility facilities, or was otherwise found to have diverted utility service;

(c) For energy utilities, a customer moves and the anticipated bill at the new residence will be at least 20 percent greater than the basis of the existing deposit; or

(d) For large telecommunications utilities, if service records for the customer indicates unbilled intralATA toll activity under the utilities' tariff and price list is greater than the basis of the prior deposit.

(7) Paying a deposit does not excuse a customer from complying with the energy or large telecommunications utility's tariffs or other regulations on file with the Commission, such as the obligation to promptly pay bills.

(8) An energy or large telecommunications utility may file a tariff that contains less stringent deposit requirements than those specified in this rule.

Statutory/Other Authority: ORS 183, ORS 756, ORS 757, ORS 759, OL 1987, Ch. 290

Statutes/Other Implemented: ORS 756.040, OL 1987, Ch. 290, ORS 757.230

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860-021-0205**RULE TITLE: Deposit Payment Arrangements for Residential Energy Utility Service**

RULE SUMMARY: This rule change updates rule language from “low income” to “income-qualified.”

RULE TEXT:

(1) Except as provided in OAR 860-021-0335(1) and (2), when an energy utility requires a deposit, the customer or applicant may pay the deposit in full or in three installments. The first installment is due immediately; the remaining installments are due with the subsequent two monthly bills after the first installment payment. Except for the last payment, installments shall be the greater of \$30 or one-third of the deposit. An energy utility shall not require ~~an low income income-qualified~~ residential customer to pay a deposit.

(2) When an installment payment or a deposit is made with a payment for energy utility service, the amount paid shall first be applied toward payment of the amount due for deposit.

(3) When the energy utility requires the customer or applicant to pay an additional deposit, the customer shall pay one-third of the total deposit, or at least \$30, whichever is greater, within five days. The remainder of the deposit is due under the terms of section (1) of this rule. If the customer has an existing deposit installment agreement, the remaining installment payments will be adjusted to include the additional deposit; however, two installment payments cannot be required within the same billing period.

(4) When a customer or applicant enters into an installment agreement for payment of a deposit under section (1) of this rule, the energy utility shall provide written notice explaining its deposit requirements. The notice shall specify that each installment payment shall be due with each of the subsequent two monthly bills for utility service and shall include a statement printed in bold-face type informing the customer or applicant that utility service will be disconnected if the energy utility does not receive the payment when due. The notice shall also set forth the name and telephone number of the appropriate unit within the Department of Human Services or other agencies which may be able to help the customer obtain financial aid.

(5) If a customer fails to abide by the terms of a deposit installment agreement, the energy utility may disconnect service after a five-day notice. The notice shall contain the information set forth in OAR 860-021-0405(2)(a), (b), (c), (e), (f), and (g) and shall be served as required by 860-021-0405(5).

(6) When good cause exists, the Commission or the energy utility may provide more liberal arrangements for payment of deposits than those set forth in this rule. The energy utility shall keep a written record of the reasons for such action.

(7) If disconnection for nonpayment of a deposit occurs, the customer disconnected shall pay the full amount of the deposit, any applicable reconnection fee, late-payment fee, and one-half the past due amount before service is restored. The customer shall pay the balance of the past-due amount within 30 days of the date service is restored. A customer may continue with an existing time-payment agreement by paying all past-due installments, the full deposit, and other applicable fees.

Statutory/Other Authority: ORS 183, ORS 756, ORS 757, OL 1987, Ch. 290

Statutes/Other Implemented: ORS 756.040, OL 1987, Ch. 290

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860-021-0215**RULE TITLE: Refund of Deposits for Residential and Nonresidential Utility Service****RULE SUMMARY: This rule change updates language from “low income” to “income-qualified.”****RULE TEXT:**

(1) An energy or large telecommunications utility shall promptly refund a customer's deposit with accrued interest when service is terminated, provided a refund due shall first be applied to any unpaid balance on the customer's account.

(2) Except as provided in section (6) of this rule, an energy or large telecommunications utility may continue holding a deposit until credit is satisfactorily established or reestablished. For purposes of this rule, credit shall be considered to be established or reestablished if one year after a deposit is made:

- (a) The account is current;
- (b) Not more than two five-day disconnection notices were issued to the customer during the previous 12 months; and
- (c) The customer was not disconnected for nonpayment during the previous 12 months.

(3) After satisfactory credit has been established or reestablished, the deposit plus any accrued interest shall be promptly refunded or credited to the customer's account. A customer shall be entitled to a refund upon request.

(4) When the customer moves to a new address within the energy or large telecommunications utility's service area, the deposit and accrued interest will be transferred to the new account.

(5) Deposits plus accrued interest may be refunded or credited, in whole or in part, to the customer's account at any time earlier than prescribed in this rule, provided the energy or large telecommunications utility's procedures are nondiscriminatory.

(6) An energy utility that collects or has collected a deposit from an ~~low-income~~ **income-qualified** residential customer must apply or return the deposit as outlined in this section. For an ~~low-income~~ **income-qualified** residential customer, the energy utility will return the deposit within two billing cycles.

(a) The deposit will first be applied to any outstanding balance on an ~~low-income~~ **income-qualified** residential customer's account. If there are any remaining funds, the funds will be applied to the customer's account or returned by electronic payment or check mailed to the last-known address.

(b) If an ~~low-income~~ **income-qualified** residential customer account is current, the deposit will be applied to a customer's account or returned by electronic payment or check mailed to the last-known address.

(c) For an ~~low-income~~ **income-qualified** residential customer that pays the deposit in installments as set forth in OAR 860-021-0205, the energy utility will return the deposit within two billing cycles, after the last installment payment is made.

(7) Unless otherwise specified by the customer, an energy or large telecommunications utility shall mail deposit refunds to the customer's last known address. The energy or large telecommunications utility shall promptly honor a valid claim for payment of refund if the request is received within one year of the date service is terminated. Funds held beyond one year will be disposed of in accordance with ~~ORS 98.316~~ **APPENDIX A**.

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Statutory/Other Authority: ORS 183, ORS 756, ORS 757, ORS 759, OL 1987,
Ch. 290

Statutes/Other Implemented: ORS 756.040, OL 1987, Ch. 290

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860-021-0305**RULE TITLE: Grounds for Disconnecting Utility Service****RULE SUMMARY: This rule change is a housekeeping change to the rule provisions' numbering.****RULE TEXT:**

(1) Utility service may be disconnected by an energy utility or large telecommunications utility:

- (a1) When the applicant or customer fails to pay a deposit or make payments in accordance with the terms of a deposit payment arrangement;
- (b2) When the applicant or customer provides false identification to establish service, continue service, or verify identity;
- (e3) When the customer fails to pay Oregon tariffed or price-listed charges due for services rendered;
- (d4) When the customer fails to abide by the terms of a time-payment agreement;
- (e5) When the customer requests the utility to disconnect service or close an account or when a co-customer fails to reapply for service within 20 calendar days after a joint account is closed by the other co-customer, so long as the utility has provided a notice of pending disconnection;
- (f6) When the customer does not cooperate in providing access to the meter;
- (g7) When facilities provided are unsafe or do not comply with state and municipal codes governing service or the utility's rules and regulations;
- (h8) When there is evidence of meter-tampering, diverting service, or other theft of service;
- (i9) When dangerous or emergency conditions exist at the service premises under OAR 860-021-0315;
- (j10) When a customer fails to disclose reasonably accurate customer load information which results in damage to utility equipment; or
- (k11) When the Commission approves the disconnection of service.

(212) An energy utility must make best efforts to perform service disconnections for nonpayment between the hours of 8:00 am and 2:00 pm to facilitate responsive, same-day reconnection of service.

Statutory/Other Authority: ORS 183, ORS 756, ORS 757, ORS 759 & OL 1987, Ch. 290**Statutes/Other Implemented:** ORS 756.040, ORS 757.035, ORS 757.225 & ORS 757.760**History:**[PUC 10-2022, amend filed 09/30/2022, effective 09/30/2022](#)

PUC 9-2009, f. & cert. ef. 8-25-09

PUC 6-1979, f. & ef. 10-6-79 (Order No. 79-680); PUC 5-1983, f. 5-31-83, ef. 6-1-83 (Order No. 83-284); Renumbered from 860-021-0075; PUC 8-1983, f. & ef. 8-15-83 (Order No. 83-502); PUC 3-1989, f. 2-6-89, cert. ef. 2-8-89 (Order No. 89-038); PUC 16-1990, f. 9-28-90, cert. ef. 10-1-90 (Order No. 90-1105); PUC 11-1995, f. & cert. ef. 11-27-95 (Order No. 95-1217); PUC 11-1998, f. & cert. ef. 5-7-98; PUC 16-2001, f. & cert. ef. 6-21-01

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860-021-0328

RULE TITLE: Reconnection of Residential Energy Utility Service

RULE SUMMARY: This rule change updates rule language from “low income” to “income-qualified.”

RULE TEXT:

(1) This rule applies to a service reconnection requested within 20 calendar days of the date of disconnection, after an applicant or customer has satisfied the requirements for service under all applicable rules and regulations, and requested reconnection.

(2) Each energy utility must provide a means by which an applicant or customer may contact the utility on a Business Day so that the applicant or customer may pay applicable charges, apply for verification as an ~~low income~~ **income-qualified** residential customer under OAR 860-021-0180, submit any necessary credit information, and request reconnection of service. A Business Day is defined as Monday through Friday, 8:00 a.m. to 5:00 p.m., excluding state- or utility-recognized holidays.

(3) For energy utility service that has been disconnected in accordance with OAR 860-021-0305(1), (2), (4), (5), (10), (11) or involuntarily disconnected for failure to pay Oregon tariff charges:

(a) An energy utility must reconnect service as soon as reasonably possible, within the normal course of business, after an applicant or customer has satisfied the requirements for and requested reconnection. At a minimum, service must be restored as follows:

(A) For a request for reconnection received during the Business Day, Monday through Thursday, service must be restored by 5:00 p.m. the following day, except when the following day is a state- or utility-recognized holiday.

(B) For a request for reconnection received on a Friday Business Day before 3:00 p.m., service must be restored by 5:00 p.m. the following day.

(C) For a request for reconnection received on a Friday Business Day between 3:00 p.m. and 5:00 p.m., service must be restored by the end of the next Business Day.

(b) For a request for reconnection received anytime other than a Business Day, except as provided under section (6) of this rule, the request for reconnection must be treated as if it were received at 8:00 a.m. on the next Business Day and service must be restored in accordance with Subsection (3)(a)(A) of this rule.

(4) For energy utility service that has been involuntarily disconnected in accordance with OAR 860-021-0305(6) or (7), or due to meter tampering, diverting service, or theft of service, an energy utility must reconnect service as soon as reasonably possible, within the normal course of business, but no later than 5:00 p.m. of the next Business Day after the customer has satisfied the requirements for and requested reconnection.

(5) For energy utility service that has been involuntarily disconnected in accordance with OAR 860-021-0315, service will be reconnected in accordance with section (4) of this rule. If the necessity for emergency termination was through no fault of the customer, the energy utility will reconnect in accordance with section (3) of this rule, at no charge to the customer.

(6) An applicant or customer may request reconnection that falls outside of the requirements of sections (3), (4), and (5) of this rule and, for purposes of this rule, such a request will be defined as ~~APPENDIX A~~ **Reconnect**. The tariff of each energy utility must specify the hours other than a Business Day when ~~APPENDIX A~~ **Reconnect** may be requested.

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energy utility will offer an After Hours Reconnect, the terms of the service, and the applicable charges.

(a) At a minimum, an energy utility must:

(A) Provide a means by which an applicant or customer may contact the utility Monday through Friday from 8:00 a.m. to 6:00 p.m., excluding state- or utility-recognized holidays, so that the applicant or customer may pay applicable charges, submit any necessary credit information and request an After Hours Reconnect.

(B) Allow, for a customer request made in accordance with subsection (6)(a)(A) of this rule, an After Hours Reconnect on the same day as the request, or allow an After Hours Reconnect to be scheduled for any subsequent Monday through Friday, except for state- or utility-recognized holidays.

(b) The utility must notify a customer verbally or in writing of the customer's right to an After Hours Reconnect. The notification must include information that the charges associated with a same day or a scheduled After Hours Reconnect exceed the utility's standard reconnection charge.

(7) Except as provided in OAR 860-021-0330, utility fees for service reconnection must be charged as follows:

(a) An applicant or customer must pay the utility's standard reconnection fee for a reconnection made under subsection (3)(a) or (3)(b) of this rule.

(b) An applicant or customer must pay an After Hours Reconnect fee for any reconnection made under subsection (6)(a) of this rule. For an After Hours Reconnect that is completed the same day as the request, the reconnection fee may be higher than for an After Hours Reconnect scheduled for a subsequent day.

(8) Reconnection of service following an interruption of service must comply with the requirements of OAR 860-0210021.

(9) With Commission concurrence, the reconnection requirements under this rule may be temporarily waived for any cause not reasonably within the control of the utility including, but not limited to, the following:

(a) A documented Force Majeure event;

(b) An action or default by an applicant, customer, or other person outside of the utility's control, including a cancellation of the request made by the applicant or customer;

(c) Major events, such as storms or system outages;

(d) Safety-related issues that preclude the utility from reconnecting service;

(e) The applicant's or customer's facilities cannot be accessed due to circumstances beyond the utility's control;

(f) The utility's equipment or facilities prevent the reconnection from occurring; or

(g) When the Commission approves a waiver.

Statutory/Other Authority: ORS 183, ORS 756

Statutes/Other Implemented: ORS 756.040

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860-021-0330**RULE TITLE: Reconnection Fee for Utility Service**

RULE SUMMARY: This rule establishes the circumstances under which a utility may charge a fee for the reconnection of service.

RULE TEXT:

(1) 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 when:

- (a) The utility is able to remotely reconnect the residential customer's service;
- (b) The residential customer participates in the utility's income qualified bill discount program; or
- (c) The residential customer has on file with the utility a medical certificate pursuant to OAR 860-021-0410.

(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 customers for the first reconnection in a calendar year.

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

(3) An energy utility may not require residential customers to pay any outstanding balance or reconnection fee as a prerequisite for a reconnection that is requested pursuant to:

- (a) OAR 860-021-0406 section (4), when requested by a customer participating in the utility's income qualified bill discount program or a customer with a medical certificate on file with the utility, or;
- (b) OAR 860-021-0407 section (15) and (16).

(4) The utility must restore service upon request. Any outstanding balance, reconnection fee, or portion thereof remains the responsibility of the customer and may be included in subsequent bills until paid in full.

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

Statutes/Other Implemented: ORS 756.040, ORS 757.225

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AMEND: 860-021-0335

RULE TITLE: Refusal of Utility Service

RULE SUMMARY: This rule change updates the circumstances when a utility may refuse to provide service to a customer or an applicant.

RULE TEXT:

(1) Except as provided in section (2) of this rule and OAR 860-021-0330, an energy utility may refuse to provide service to a customer or applicant until the utility receives full payment of any overdue amount of an Oregon tarifed or price-listed charge and any other like obligation related to an Oregon prior account.

(2) Except for a residential customer or applicant who was disconnected for theft of service, an energy utility shall provide service to a residential customer or applicant upon receiving payment equal to at least one-half, but no more than \$200 for an income qualified or medical certificate customer, of any overdue amount of an Oregon tarifed or price-listed charge and any other like obligation related to a prior account, except deposits which must be paid in full, provided the customer or applicant has made reasonable partial payment on the account during the time service has been discontinued. An energy utility may not require a deposit to be paid by **an low-income income-qualified** residential customer. The customer shall pay the balance of the amount owed to the energy utility within six subsequent billing cycles of the date service is initiated. Upon failure to pay, the energy utility may disconnect service after providing notice to the customer consistent with OAR 860-021-0405. The notice shall contain the information set forth in OAR 860-021-0405(2)(a), (b), (c), (d)(A) and (D) and shall be served as required by 860-021-0405(5). If a customer or applicant whose service was terminated applies for service within 20 days of the termination, the provisions of this rule apply.

(3) If electric or gas service is disconnected for a residential customer's failure to comply with the payment terms in section (2) of this rule, the utility may refuse to restore service until the utility receives full payment of any overdue obligation of an Oregon tarifed or price-listed charge and any other like obligation related to a prior account, including any reconnection fee, late payment fee, and past due bill.

(4) Refusal of service by a large telecommunications utility:

(a) A large telecommunications utility may refuse to provide service to a customer or applicant until the utility receives full payment of any overdue amount of an Oregon tarifed or price-listed charge and any other like obligation related to a prior account except for telecommunications service applicants who are eligible for OTAP.

(b) A large telecommunications utility may refuse to provide service to a residential customer or applicant who is eligible for OTAP until the utility receives full payment of any overdue amount relating to a prior account for tarifed local exchange and price-listed services, excluding any toll charges.

(5) **Except as provided in OAR 860-021-0330, A**an energy or large telecommunications utility may refuse to provide service until the utility receives payment when all the following circumstances exist:

- (a) An overdue balance has been incurred by a residential customer at a service address;
- (b) A residential applicant for service resided at the service address described in subsection (5)(a) of this rule during the time the overdue balance was incurred; and
- (c) The residential customer described in subsection (5)(a) of this rule will reside at the location to be served under the new application.

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(6) Any energy or large telecommunications utility shall refuse to provide service if a customer or applicant has not complied with state and city codes and regulations governing service and with the utility's rules and regulations.

(7) An energy or large telecommunications utility shall reject an application for service or materially change service to a customer or applicant if, in the best judgment of the utility, the utility lacks adequate facilities to render the service applied for or if the desired service is likely to unfavorably affect service to other customers.

(8) An energy or large telecommunications utility shall refuse to serve a customer or applicant, if, in the best judgment of the utility, the facilities of the customer or applicant cannot provide safe and satisfactory service.

(9) When an energy or large telecommunications utility refuses to provide service, the utility shall notify the customer or applicant of the reasons for refusal and of the Commission's complaint process

Statutory/Other Authority: ORS 183, ORS 756, ORS 757, ORS 759, OL 1987, Ch. 290

Statutes/Other Implemented: ORS 756.040, ORS 757.035, ORS 757.225, OL 1987, Ch. 290

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860-021-0406**RULE TITLE: Wildfire Displacement Protection**

RULE SUMMARY: These rule amendments update protections for customers during and after wildfire evacuations.

RULE TEXT:

(1) An electric or natural gas utility must make best efforts to put into effect a moratorium on the disconnection of utility service for nonpayment for residential and commercial customers affected by a level 2 or 3 wildfire evacuation notice or order issued by the Oregon Department of Emergency Management. The moratorium will begin when the evacuation notice or order is issued and remain in effect until:

- (a) The day after the evacuation notice or order is lifted for commercial customers; and
- (b) Two days after the evacuation notice or order is lifted for residential customers.

(2) After a level 2 or 3 evacuation notice or order is lifted, an electric or natural gas utility must make best efforts to reconnect, upon request and subject to reconnection fees allowed under OAR 860-021-0330, a residential or commercial customer who has been disconnected for non-payment within the previous seven calendar days of a level 2 or 3 wildfire evacuation notice or order. The request for reconnection must be made within seven calendar days after the evacuation notice or order is lifted.

(4)(3) The electric or natural gas utility must make best efforts to have information available on its website concerning wildfire displacement protections; and when practical, information from the utility that includes energy utility contact information should be available at local emergency command centers, local community-based organizations, and local media.

Statutory/Other Authority: ORS 183, ORS 756 & ORS 757

Statutes/Other Implemented: ORS 756.040 & ORS 757.760

860-021-0407**RULE TITLE: Severe Weather Moratorium on Involuntary Disconnection of Residential and Small Commercial Electric or Gas Utility Service for Nonpayment**

RULE SUMMARY: This rule change updates protections for customers during severe weather

conditions.

RULE TEXT:

(1) An electric or natural gas utility must put into effect a moratorium on the involuntary disconnection of utility service for nonpayment for customers located within the geographic area affected by severe weather events as follows:

(a) For a severe air quality event defined in OAR 860-021-0008(11), an electric or natural gas utility may not disconnect residential or commercial service starting when severe air quality conditions are present based on forecasted data obtained no later than 8:00 a.m. each business

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day.

- (b) For an extreme heat event defined in OAR 860-021-0008(12), an electric utility may not disconnect residential service starting 24 hours before the event is forecasted to occur.
- (c) For a severe off-season cold event defined in OAR 860-021-0008(13), an electric or natural gas utility may not disconnect residential service for nonpayment starting when the event is forecasted to occur.
- (d) For a severe on-season cold event defined in OAR 860-021-0008(14), an electric or natural gas utility may not disconnect residential service for nonpayment starting 24 hours before the event is forecasted to occur.

(2) When a severe on-season cold event or extreme heat event is forecast with less than 24 hours' notice, the utility must make best efforts to immediately suspend disconnections for nonpayment upon the posting of the alert.

(3) A disconnection moratorium required for a severe ~~on-season cold event, heat event, or air quality weather~~ event will remain in effect for 24 hours after the qualifying event concludes, but will extend for an additional 24 hours, for a total of 48 hours, for residential customers who are income-qualified, hold a medical certificate; or request an additional 24 hours.

~~(4) A disconnection moratorium required for a severe off-season cold event will remain in effect until 8:00 a.m. the day after the event concludes.~~

~~(5)~~(4) Each electric and natural gas utility must keep the Commission's Consumer Services Section informed of which weather reporting and air quality service it is using for each geographic area within its service territory to comply with the requirements of this rule.

(6)(5) An electric or natural gas utility must make best efforts to, upon request made within seven calendar days after the severe weather event ends and subject to reconnection fees allowed under OAR 860-021-0330, reconnect the following customers subject to a moratorium required by a severe weather event:

- (a) Residential customers who had been disconnected for nonpayment within the previous seven days of a severe weather moratorium.
- (b) Small commercial customers that had been disconnected for nonpayment within the previous 72 hours of a severe air quality event.

~~(7)(6) Nothing in this rule prohibits an electric or natural gas utility from providing customer protections that exceed the baseline standards set forth above through a winter protection program or other tariff provisions.~~

~~(1) Except as set forth in section (10) of this rule, an energy utility must put into effect a moratorium on the disconnection of residential service for nonpayment from November through March 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~~

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~~the applicable weather reporting service.~~

- ~~(2) 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) 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) Any moratorium activated as a result of section (1), (2), or (3) of this rule must remain in effect at least through the start of the next business day.~~
- ~~(5) For purposes of sections (1) and (2) 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) An energy utility need only apply a moratorium to the geographic area that meets the conditions in sections (1) to (3) of this rule.~~
- ~~(7) The energy utility must obtain the required forecast data no later than 8:00 a.m. each business day.~~
- ~~(8) 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) 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), (2), and (3) 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.~~
- ~~(10) The temperature threshold specified in section (1) 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

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860-021-0408

RULE TITLE: Arrearage and Disconnection Reporting Rule

RULE SUMMARY: The rule changes update rule language from “low income” to “income-qualified” and correct typographical errors.

RULE TEXT:

(1) As used in this rule:

- (a) "Administrative costs" means all incremental expenses related to the management and operation of the bill discount program. This includes, but is not limited to, incremental costs for program design, staff salaries, data processing, customer outreach, eligibility verification, compliance, reporting, and any other overhead or indirect costs necessary to administer the program.
- (b) "Applied credits" means the aggregate dollar value of discounts applied to the utility bills of residential customers that participate in the utility's bill discount program.
- (c) "Arrearage balance" means any amount of money that a customer owes to the utility company for services provided which remain unpaid past the bill issuance date.
- (d) "Average bill discount program participant usage" means the average monthly usage of residential customers enrolled in a utility-administered bill discount program.
- (e) "Average bill of high-usage customer" means the average monthly dollar amount the utility billed all high-usage customers.
- (f) "Average residential bill" means the average monthly bill for residential utility services within a utility's Oregon service territory.
- (g) "Average residential usage" means the average monthly amount of energy billed per residential meter within a utility's Oregon service territory.
- (h) "Average usage of high-usage customers" means the average monthly energy consumption of all customers classified as high usage.
- (i) "Days in Arrears" means the number of days from the original bill issuance date a customer's arrearage balance remains unpaid. Days in arrears are divided into three categories:
 - (A) "31-69 days in arrears" means a customer's arrearage balance has been unpaid for a period of between 31 and 60 days from the original bill issuance date.
 - (B) "61-90 days in arrears" means a customer's arrearage balance has been unpaid for a period of between 61 and 90 days from the original bill issuance date.
 - (C) "91+ days in arrears" means a customer's arrearage balance has been unpaid for a period greater than 90 days from the original bill issuance date.
- (j) "Disconnection notice" means any written or electronic notification issued by a utility to a customer in accordance with OAR 860-021-0405.
- (k) "Disenrollments" means active residential customer who were enrolled in a utility's bill discount program as of the previous reporting period but are no longer participating as of the current reporting period. This includes customers who were removed from the program due to ineligibility or non-compliance.
- (l) "Energy assistance recipient" means a residential customer who has received bill payment assistance with an energy bill from any federal, state, customer-funded bill payment assistance fund or program at least once within the past 12 months.
- (m) "High-usage customer" means a residential customer participating in a utility-administered bill discount program whose energy consumption places them in the 90th percentile or above of all other bill discount program participants within the utility's service area.

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- (n) "New enrollments" means residential customer enrolled in a utility's bill discount program for the first time within the current calendar year.
- (o) "Post-discount average bill discount program participant bill" means the average monthly utility bill amount for bill discount program participants after the application of their respective bill discount.
- (p) "Pre-discount average bill discount program participant bill" means the average monthly utility bill amount for bill discount program participants before the application of any bill discounts.
- (q) "Residential customer" means any individual or household that receives utility services for personal, non-commercial use. This includes all customers being served on a utility's residential service tariff.
- (r) "Service disconnection for non-payment" means instances where utility service to a residential account was terminated due to the customer's failure to pay their utility bill.
- (s) "Total arrears balance of bill discount program participants" means the total dollar amount of outstanding balances owed by residential customers enrolled in a utility-administered bill discount program on their utility bills.
- (t) "Total arrears balance of high-usage customers" means the cumulative dollar amount of overdue balances of all high-usage customers in arrears during the reporting period.
- (u) "Total bill discount program costs" means the total expenditure incurred by a utility in administering its bill discount program for ~~low-income~~ **income-qualified** residential customers.
- (v) "Total dollars provided to bill discount program participants" means the aggregate dollar value of discounts applied to the utility bills of residential customer who participate in the utility's bill discount program.
- (w) "Total residential arrearage balances" means the total dollar amount of outstanding balances owed by residential customers on their utility bills.
- (x) "Total residential usage" means the total amount of energy billed for all residential customers within a utility's Oregon service territory.

- (2) Each energy utility must submit electronic quarterly report containing the data described in section (4) of this rule. Electronic reports must be submitted in text-searchable Excel and PDF formats. Utilities shall include zip-code level data within the accompanying Excel files.
 - (a) For quarterly reporting purposes, the following four time periods apply: January 1 to March 31, April 1 to June 30, July 1 to September 30, and October 1 to December 31.
 - (b) Each energy utility must file its initial quarterly report following the first full quarter after the effective date of this rule, unless an alternative initial reporting date is set for the utility by Commission Staff.
 - (c) The energy utility must file a quarterly report as required under this rule within 45 days of the end of each reporting period.

- (3) If errors or omissions are discovered after a report has been submitted, utilities must submit a revised report within 30 days of identifying the discrepancy.

- (4) The quarterly report must provide the following data points for each month within the quarter on an Oregon basis:
 - (a) Total number of residential customers with arrearage balances segmented into three groups: 31-60 days in arrears, 61-90 days in arrears, and 91+days in arrears. Each residential customer should only be counted in one group, based on their oldest arrearage balance;

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- (b) Total residential arrearage balances segmented into three groups: 31-60 days in arrears, 61-90 days in arrears, and 91+ days in arrears;
- (c) Total number of customers enrolled in Time Payment Arrangements (TPA) or other extended payment plans. This includes all residential customer who are actively enrolled in a TPA or any other extended payment plan offered by the utility as of the reporting period;
- (d) Number of active residential accounts;
- (e) Number of service disconnections for non-payment;
- (f) Total number of disconnection notices sent to residential customers;
- (g) Percentage of accounts with service disconnections for non-payment. This includes the proportion of active residential accounts that experienced a service disconnection for non-payment during the reporting period. This percentage is determined by dividing the total number of service disconnections for non-payment by the total number of active residential accounts and multiplying by 100;
- (h) Total number of bill discount recipient service disconnections for non-payment;
- (i) Total number of service disconnections for non-payment on energy assistance recipient accounts;
- (j) Total number of service disconnections for non-payment on medical certificate holder accounts;
- (k) Number of service reconnections following a disconnection for non-payment on the same day or next calendar day following disconnection (Days 0-1), and;
- (l) Number of service reconnections following a disconnection for non-payment that occur more than one day and within 7 calendar days following disconnection (Days 2-7);
- (m) Number of days on which the energy utility was required to impose a moratorium on service disconnection for severe weather per OAR 860-021-0407 (Severe Weather Moratorium on Involuntary Disconnection of Residential Electric or Gas Utility Service);
- (n) Total residential usage during the reporting period;
- (o) Average residential usage during the reporting period. This data point should be calculated by dividing the total residential usage by the total number of residential customers billed during the same reporting period;
- (p) Average residential bill during the reporting period. This data point should be calculated by dividing the total amount billed to all residential customers by the total number of residential customers billed during the same reporting period.
- (q) Total number of residential customers that received a bill discount, by discount tier;
- (r) Total dollars provided to bill discount program participants, by discount tier;
- (s) Total bill discount program costs divided into two distinct categories: incremental administrative costs and applied credits;
- (t) Total number of new enrollments;
- (u) Total number of disenrollments;
- (v) Average bill discount program participant usage categorized by bill discount tier;
- (w) Pre-discount average bill discount program participant bill, categorized by bill discount by tier;
- (x) Post-discount average bill discount program participant bill, categorized by bill discount by tier;
- (y) The number of bill discount program participants with an arrearage balance segmented into three groups based on the age of the arrearage: 31-60 days in arrears, 61-90 days in arrears, and 91+ days in arrears. Each program participant should only be counted in one group, based on their oldest arrearage balance, and

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(z) Total arrears balance of bill discount program participants segmented into three groups: 31-60 days in arrears, 61-90 days in arrears, and 91+ days in arrears.

(5) For annual reporting purposes, the following time period applies: January 1 to December 31.

(6) The energy utility must file an annual report as required under this rule within 60 days of the end of each reporting period.

(7) Each utility, in addition to the quarterly reporting requirements, shall submit an annual supplement report which provides the following information for each month within the year:

- (a) The number of high-usage customers;
- (b) Average usage of high-usage customers;
- (c) Average bill of high-usage customers;

(d) Number of high-usage customers with an arrearage balance at the end of each month, segmented into three groups: 31-60 days in arrears, 61-90 days in arrears, and 91+ days in arrears. Each residential customer should only be counted in one group, based on their oldest arrearage balance;

(e) Total arrears balance of high-usage customers at the end of each month, segmented into three groups: 31-60 days in arrears, 61-90 days in arrears, and 91+ days in arrears; and

(f) Total number of high-usage customers who experienced a service disconnection for non-payment.

(8) Each utility must provide the information in section (4), subsections (a) - (m), (o) - (r), and (t) - (x) by zip code.

(9) The Commission will review the reporting metrics outlined in this rule every two years. In doing so, the Commission may engage stakeholders to ensure the relevance of data for addressing energy burden.

Statutory/Other Authority: ORS 756.060

Statutes/Other Implemented: ORS 756.040

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860-021-0410**RULE TITLE: Emergency Medical Certificate for Residential Electric and Gas Service****RULE SUMMARY: The rule changes update certain timeframes related to medical certificates.****RULE TEXT:**

(1) An energy utility shall not disconnect residential service if the customer submits certification from a qualified medical professional or self-certifies that disconnection would significantly endanger the physical health of the customer or a member of the customer's household. For the purposes of this rule, "Qualified medical professional" means a licensed physician, nurse-practitioner, or physician's assistant authorized to diagnose and treat the medical condition described without direct supervision by a physician.

(2) Any oral certification by a qualified medical professional and any residential customer's initial self certification to the utility must be confirmed in writing within 360 days by a qualified medical professional prescribing medical care. Written Certifications must include:

- (a) The name of the person to whom the certificate applies and relationship to the customer;
- (b) A complete description of the health conditions;
- (c) An explanation of how the person's health will be significantly endangered by terminating the service;
- (d) A statement indicating how long the health condition is expected to last;
- (e) A statement specifying the particular type of utility service required (for example, electricity for respirator); and
- (f) The signature of the qualified medical professional prescribing medical care.

(3) If a medical certificate is not submitted in compliance with sections (1) and (2) of this rule, the energy utility may disconnect service after providing a five-day notice to the customer. The notice shall comply with the requirements of OAR 860-021-0405, except subsection (1)(b), subsection (2)(e), and section (4) of this rule shall not be applicable.

(4) 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 twenty-four 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 customer written notice of the date the certificate expires unless it is renewed with the utility before that day arrives.

(5) A customer submitting a medical certificate is not excused from paying for electric or gas service:

- (a) Customers are required to enter into a written time-payment agreement with the energy utility when an overdue balance exists. Terms of the time-payment agreement shall be those in OAR 860-021-0415 or such other terms as the parties agree upon in writing;
- (b) When financial hardship can be shown, a customer with a medical certificate may renegotiate

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the terms of a time-payment agreement with the energy utility; and
(c) Time-payment arrangements in effect when a medical certificate terminates remain in effect for the balance then owing. If a customer fails to pay charges incurred after the certificate terminates, the provisions of OAR 860-021-0415 (standard time-payment provisions) shall apply to payment of the arrearage incurred after the medical certificate expires. The terms of the medical certificate time-payment plan continue to apply to the arrearage accrued during the disability.

(6) If a medical certificate customer fails to enter into a written time-payment agreement within 20 days of filing the certificate, or to abide by its terms, the energy utility shall notify the Commission's Consumer Services Division of its intent to disconnect service and the reason for the disconnection. The energy utility may disconnect service after providing a notice 20 days in advance of disconnection for nonpayment, or five days before disconnection for failure to enter into a written time-payment agreement. The notice shall comply with the requirements of OAR 860-021-0405, except paragraph (2)(d)(C) shall not be applicable. A hearing may thereafter be held to determine whether the energy utility should be permitted to disconnect service to the customer.

(7) An energy utility may verify the accuracy of a medical certificate. If the energy utility believes a customer does not qualify, or no longer qualifies for a medical certificate, the utility may apply to the Commission to terminate the service of the customer.

Statutory/Other Authority: ORS 183, ORS 756, ORS 757 & OL 1987, Ch. 290

Statutes/Other Implemented: ORS 756.040, ORS 757.750, ORS 757.755 & ORS 757.760

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860-021-0420

RULE TITLE: Field Visit Charge

RULE SUMMARY: This rule change updates rule language from “low income to “income-qualified.”

RULE TEXT:

A Commission approved fee may be charged whenever an energy utility visits a residential service address intending to reconnect or disconnect service, but due to customer action, the energy utility is unable to complete the reconnection or disconnection at the time of the visit. An energy utility shall waive the first field visit charge within a 12-month window to ~~low-income~~ **income-qualified** residential customers.

Statutory/Other Authority: ORS 183, ORS 756 & ORS 757

Statutes/Other Implemented: ORS 756.040 & ORS 757.225

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OAR 860-021-0520

RULE TITLE: Energy Utility Notification of Enhanced Protections

RULE SUMMARY: This new rule sets forth the notification requirements of energy utilities regarding enhanced protections for residential customers.

RULE TEXT:

(1) Electric utilities must provide information to residential customers of disconnection protections and of reconnection request and waiver options. The notice must be included in a monthly bill insert or in other materials distributed to all residential customers. At a minimum, such notice must be provided in May and October of each year.

(2) Natural gas utilities must provide notice to residential customers of disconnection protections and of reconnection request and waiver options. The notice must be included in a monthly bill insert or in other materials distributed to all residential customers. At a minimum, such notice must be provided in October of each year.

(3) Energy utilities must:

- (a) Notify partnering community action agencies of available residential customer protections for qualifying customers and provide digital or paper reference materials to assist with outreach efforts. Such notice must be provided at least once annually.
- (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 on all existing disconnection protections.

Statutory/Other Authority: ORS 183, ORS 756.040, ORS 756.060 & ORS 757.035

Statutes/Other Implemented: ORS 757.035, ORS 757.230 & ORS 757.695