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BEFORE THE PUBLIC UTILITY COMMISSION

OF OREGON

AR 491

In the Matter of a Rulemaking to Readopt)	
Rules Previously Adopted in AR 440, AR)	ORDER
448, AR 452, and AR 463.)	
)	

DISPOSITION: RULES ADOPTED

ORS 183.715 requires state agencies to submit a copy of any adopted rule to Legislative Counsel within 10 days of filing a copy of the rule with the Secretary of State. The Commission failed to meet this requirement in four prior rulemaking dockets:

- AR 440 - Authorizes Commission Staff to represent the Commission in OTAP and TDAP cases.
- AR 448 - Makes various amendments to clarify and improve rules governing Telephone Assistance Programs.
- AR 452 - Amends and reorganizes rules governing establishing credit for residential utility service, interruption of utility service, meter testing, and payment arrangements for deposits.
- AR 463 - Clarifies that public utilities and telecommunications providers may be penalized for the failure to file completed annual fee statements.

Because of the Commission's failure to comply with ORS 183.715, the previously adopted rules are not valid. *See* ORS 183.335(11)(b). To correct this problem, the Commission must readopt the rules from these four dockets.

Notice of this rulemaking was published in the November 2004 Oregon Bulletin and sent to persons on the Commission's rulemaking mailing lists. A hearing was held on November 16, 2004. No person objected to the proposed rulemaking.

Because these rule changes were purportedly effective since the date of their original filing with the Secretary of State, the Commission, utilities, customers, and

others subject to the rules have relied on them in their conduct and operations. Given this reliance, and to avoid any confusion as to what rules were effective during this intervening period, the rules readopted in this rulemaking should be applied retroactively to the date of their original filing with the Secretary of State.

ORDER

IT IS ORDERED that the rules set out in Appendix A, attached to and made part of this order, are adopted. The adopted rules and amendments shall become effective with the filing with the Secretary of State and be applied retroactively as follows:

- (1) Amendments to OAR 860-012-0007 apply retroactively to September 13, 2002.
- (2) Adoption of 860-033-0006, 860-033-0007, 860-033-0008, and 860-033-0009, and amendments to OAR 860-033-0005, 860-033-0010, 860-033-0030, 860-033-0045, 860-033-0050, 860-033-0505, 860-033-0530, 860-033-0535, 860-033-0536, 860-033-0537, 860-033-540, 860-033-0545 apply retroactively to November 14, 2003.
- (3) Amendments to 860-021-0009, 860-021-0021, 860-021-0125, 860-021-0130, 860-021-0200, 860-021-0205, 860-021-0206, 860-021-0210, 860-021-0420, 860-034-0030, 860-034-0090, 860-034-0110, 860-034-0140, 860-034-0160, 860-036-0035, 860-036-0040, 860-036-0050, 860-036-0075, 860-036-0115, 860-036-0125, 860-037-0030, 860-037-0035, 860-037-0045, 860-037-0070, 860-037-0110 apply retroactively to October 1, 2003.

(4) Amendments to OAR 860-021-0034, 860-021-0036, 860-021-0037, 860-032-0095, 860-032-0097, 860-034-0095, 860-034-0097, 860-036-0095, 860-036-0097, 860-037-0095, 860-037-0097 apply retroactively to November 14, 2003.

Made, entered, and effective _____.

Lee Beyer
Chairman

John Savage
Commissioner

Ray Baum
Commissioner

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

860-012-0007

Representation by Authorized Representative or Agency Officer or Employee

(1) For purposes of this rule, the words listed below shall have the following meanings:

(a) “Authorized representative” means a member of a partnership; an authorized officer or regular employee of a corporation, association, or organized group; or an authorized officer or employee of a governmental authority other than a state agency.

(b) “Commission” means the Public Utility Commission of Oregon.

(c) “Contested case” means a proceeding before the Commission in which a person is provided the opportunity for a hearing which is substantially of the character described in ORS 183.310(2).

(d) “Legal argument” includes argument on:

(A) The jurisdiction of the agency to hear the contested case;

(B) The constitutionality of a statute or rule or the application of a constitutional requirement to an agency; or

(C) The application of court precedent to the facts of the particular contested case proceeding.

(e) “Legal argument” does not include presentation of evidence, examination, and cross-examination of witnesses, presentation of factual arguments, or argument on:

(A) The application of the facts to the statutes or rules directly applicable to the issues in the contested case;

(B) Comparison of prior actions of the agency conducting the proceeding;

(C) The literal meaning of the statutes or rules directly applicable to the issues in the contested case; or

(D) The admissibility of evidence or the correctness of procedures being followed.

(2) Except for the Commission’s staff, a party or interested person participating in a contested case hearing before the Commission may be represented by an authorized representative, following a determination that the appearance by an authorized representative will not unreasonably broaden the issues, delay the proceeding, or otherwise hinder the orderly and timely development of the record:

(a) On or before the first appearance by an authorized representative, the Administrative Law Judge (ALJ) must be provided with a letter authorizing the named representative to appear on behalf of a party or interested person; and

(b) The ALJ shall have authority to limit an authorized representative’s presentation of evidence, examination, and cross-examination of witnesses, or presentation of factual arguments to ensure the orderly and timely development of the hearing record. The ALJ shall not allow an authorized representative to present legal argument as defined in subsection (1)(d) of this rule.

(3) Public Utility Commission staff may represent the agency in a contested case hearing in the following proceedings:

(a) Actions initiated by the Commission to recover telecommunications assistive devices, or the value of devices which the recipients fail to return, or the cost of repairing the equipment which the recipient returned in a damaged condition; and

(b) Denial or termination of Oregon Telephone Assistance Program benefits.

Stat. Auth.: ORS Ch. 183, 756, 757 & 759

Stats. Implemented: ORS 756.040 & 756.500 through 756.575

Hist.: PUC 10-1994, f. & ef. 7-21-94 (Order No. 94-1127); PUC 1-1996, f. & ef. 2-21-96 (Order No. 96-043); PUC 15-1997, f. & ef. 11-20-97 (Order No. 97-443); PUC 12-1999, f. & ef. 11-18-99 (Order No. 99-709); PUC 17-2002, f. & ef. 9-13-02 (Order No. 02-626)

860-021-0009

Applications for Utility Service from an Energy or Large Telecommunications Utility

(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 OAR 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 valid state or federal identification containing name and photograph of the person(s) responsible for payment on the account;

(b) 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,

(c) 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.

Stat. Auth.: ORS Ch. 183, 756, 757 & 759

Stat. Implemented: ORS 756.040

Hist.: PUC 5-1983, f. 5-31-83, ef. 6-1-83 (Order No. 83-284); PUC 2-1993, f. & ef. 1-8-93 (Order No. 92-1793); PUC 11-1995, f. & ef. 11-27-95 (Order No. 95-1217); PUC 11-1998, f. & ef. 5-7-98 (Order No. 98-188); PUC 16-2001, f. & cert. ef. 6-21-01 (Order No. 01-488)

860-021-0021

Interruption of Utility Service

(1) Each energy or large telecommunications utility shall keep a record of any interruption of service affecting its whole system, or a major section thereof, including a statement of the time, duration, and cause of interruption.

(2) Each energy or large telecommunications utility shall make all reasonable efforts to prevent interruptions of service. When such interruptions occur, the energy or large telecommunications utility shall endeavor to reestablish service with the shortest possible delay consistent with the safety of its customers and the general public.

(3) ~~To the extent practical, the~~Each energy or large telecommunications utility shall make reasonable efforts to notify every customer affected in advance of any contemplated scheduled work ~~which that~~ will interrupt service, but such notice shall not be required in case of interruption due to emergency

repairs or for repairs or maintenance work performed by a telecommunications utility that results in an interruption of less than five minutes. In determining reasonable notice, the energy or large telecommunications utility shall consider the length of the planned interruption, the type and number of customers affected, the potential impact of the interruption on customers, and other surrounding circumstances. Notice may be given in writing, either via US mail or a door hanger on the affected premises, or by contact with the customer or an adult at the residence by personal visit or by telephone.

(4) In addition to the requirements above, electric utilities shall comply with OAR 860-023-0080 through 860-023-0160, which set additional requirements for electric service reliability and reporting.

Stat. Auth.: ORS Ch. 183, 756, 757 & 759

Stat. Implemented: ORS 756.040

Hist.: PUC 164, f. 4-18-74, ef. 5-11-74 (Order No. 74-307); PUC 6-1979, f. & ef. 10-6-79 (Order No. 79-680); Renumbered from 860-021-0070; PUC 5-1983, f. 5-31-83, ef. 6-1-83 (Order No. 83-284); Renumbered from 860-021-0067; PUC 11-1998, f. & ef. 5-7-98 (Order No. 98-188); PUC 16-2001, f. & cert. ef. 6-21-01 (Order No. 01-488)

860-021-0034

Annual Fees Payable to the Commission by an Energy Utility

(1) On statement forms prescribed by the Commission, each energy utility shall provide the requested information for the subject year.

(2) Each electric utility shall pay an annual fee in compliance with OARs 860-011-0020 and 860-011-0022.

(3) Each gas utility and steam heat utility shall pay an annual fee in compliance with OARs 860-011-0020 and 860-011-0024.

(4) The annual fee payment must be received by the Commission no later than 5 p.m. on the due date.

(5) Each electric, gas, and steam heat utility shall pay:

(a) A minimum annual fee of \$10.

(b) A late statement fee of \$100, if the Commission has not received the utility's statement form, **completed in compliance with section (1) of this rule**, on or before 5 p.m. on the fifth business day following the due date.

(c) A penalty fee for failure to pay the full amount when due, as required under ORS 756.350.

(d) A service fee of \$25 for each payment returned for non-sufficient funds.

(e) All costs incurred by the Commission to collect a past-due annual fee from the utility.

(6) For any year in which an energy utility's statement form was due, the Commission may audit the utility as the Commission deems necessary and practicable:

(a) The Commission's audit must begin no later than three (3) years after the statement form's due date.

(b) If the Commission determines that the utility has underreported its subject revenues, the Commission may assess an additional annual fee, along with a penalty fee for failure to pay under ORS 756.350.

(c) If the Commission determines that the utility has overpaid its annual fee, the Commission shall, at its discretion, recompense the utility with a refund or a credit against annual fees subsequently due.

Stat. Auth.: ORS Ch. 183, 756 & 757

Stats. Implemented: ORS 756.310, 756.320 & 756.350

Hist.: PUC 11-99, f. 11-18-99 (Order No. 99-708); PUC 16-2001, f. & cert. ef. 6-21-01 (Order No. 01-488)

860-021-0036

Annual Fees Payable to the Commission by a Large Telecommunications Utility

(1) On statement forms prescribed by the Commission, each large telecommunications utility shall provide the requested information for the subject year.

(2) Each large telecommunications utility shall pay:

(a) An annual fee in compliance with OARs 860-011-0020 and 860-011-0023. The annual fee shall be no less than \$100. The payment must be received by the Commission no later than 5 p.m. on the due date.

(b) A late statement fee of \$100, if the Commission has not received the utility's statement form, **completed in compliance with section (1) of this rule**, on or before 5 p.m. on the fifth business day following the due date.

(c) A penalty fee for failure to pay the full amount when due, as required under ORS 756.350 and OAR 860-032-0008(1).

(d) A service fee of \$25 for each payment returned for non-sufficient funds.

(e) All costs incurred by the Commission to collect a past-due annual fee from the utility.

(3) For retail intrastate service rendered on or after January 1, 2000, each large telecommunications utility must:

(a) Collect the annual fee by charging an equitable amount to each retail customer, using apportionment methods that are consistently applied by the utility throughout Oregon, and

(b) Describe the amount of the apportioned charge upon each retail customer's bill.

(4) If the annual fee charge is embedded in the large telecommunications utility's Commission-approved retail rates, and the utility does not separately charge the customer an additional amount for the apportioned annual fee, then the utility may comply with section (3) of this rule by merely describing the apportioned amount of the charge on the retail customer's bill.

(5) For any year in which a large telecommunications utility's statement form was due, the Commission may audit the utility as the Commission deems necessary and practicable:

(a) The Commission's audit must begin no later than three (3) years after the statement form's due date.

(b) If the Commission determines that the utility has underreported its subject revenues, the Commission may assess an additional annual fee, along with a penalty fee for failure to pay under ORS 756.350.

(c) If the Commission determines that the utility has overpaid its annual fee, the Commission shall, at its discretion, recompense the utility with a refund or a credit against annual fees subsequently due.

(6) If the annual fee charge is embedded in the large telecommunications utility's Commission-approved retail rates, and the utility separately charges the customer an additional amount for the apportioned annual fee, then the utility must comply with ORS 756.310(6)(c).

(7) Each large telecommunications utility shall:

(a) Maintain its records in sufficient detail to readily provide gross retail intrastate revenue from Oregon telecommunications services, as defined in OAR 860-032-0080;

(b) Follow the revenue allocation procedures in OAR 860-032-0090; and

(c) Make its revenue accounting records available to the Commission upon the Commission's request.

(8) If the Commission receives a public record request for the confidential information required by this rule, the Commission shall assert that, subject to the limitations of the Public Records Law, the materials are trade secrets and, therefore, exempt from disclosure. The material shall be marked "EXEMPT FROM PUBLIC DISCLOSURE AS TRADE SECRETS."

Stat. Auth.: ORS Ch. 183, 192, 756 & 759

Stats. Implemented: ORS 756.310, 756.320 & 756.350

Hist.: PUC 13-1999, f. & ef. 12-7-99 (Order 99-734); PUC 16-2001, f. & cert. ef. 6-21-01 (Order No. 01-488)

860-021-0037

Estimated Annual Fees Payable to the Commission

(1) For any year in which an energy or large telecommunications utility fails to file a **completed** statement form, the Commission may determine a proposed annual fee based upon any information available to the Commission. The proposed annual fee shall:

(a) Include a penalty fee for failure to pay as required by ORS 756.350;

(b) Include a late statement fee of \$100; and

(c) Be made no later than three (3) years after the statement form's due date.

(2) The Commission shall provide written notice of the proposed annual fee to the energy or large telecommunications utility.

(3) Within 30 days after service of the notice of proposed annual fee, the energy or large telecommunications utility may file a petition with the Commission for a hearing. In its petition, the utility must specify its reasons for disputing the proposed annual fee. The Commission may conduct a hearing on the petition under its rules governing hearings and proceedings.

(4) If the energy or large telecommunications utility has not filed a petition by the end of the 30-day period, the Commission shall enter an order based upon information in its files. The Commission's order is final upon service, and the ordered assessment is due and payable on the tenth day after the order becomes final.

(5) During the 30-day period allowed for filing a petition, the energy or large telecommunications utility may file its **completed** statement form and pay the annual fee, penalties, and late statement fee. The Commission shall accept the statement form, fees, and penalties in accordance with the original due date for that year's statement form and payment.

Stat. Auth.: ORS 183, 192, 756, 757 & 759

Stats. Implemented: ORS 756.040, 756.310, 756.320 & 756.350

Hist.: PUC 8-2003, f. & cert. ef. 4-28-03; PUC 15-2003, f. & cert. ef. 7-24-03; PUC 20-2003, f. & cert. ef. 11-14-03 (Order No. 03-630)

860-021-0125

Due and Payable Period

(1) Each energy or large telecommunications utility shall establish procedures to ensure that the ~~due and payable~~ period **from the billing transmittal for all current charges, including payment for final bills, to the due date** is not less than 15 days ~~for all customers~~.

(2) If the bill is delivered by US mail, the due and payable period begins the day after the **US** Postal Service postmark or the day after the date of postage metering.

Stat. Auth.: ORS Ch. 183, 756, 757 & 759

Stat. Implemented: ORS 756.040

Hist.: PUC 164, f. 4-18-74, ef. 5-11-74 (Order No. 74-307); PUC 5-1983, f. 5-31-83, ef. 6-1-83 (Order No. 83-284); Renumbered from 860-021-0035; PUC 11-1998, f. & ef. 5-7-98 (Order No. 98-188); PUC 4-1999, f. & ef. 8-16-99 (Order No. 99-488); PUC 16-2001, f. & cert. ef. 6-21-01 (Order No. 01-488)

860-021-0130

Meter Test

(1) Any customer may ask the energy utility to test a meter. Such tests shall be made within 20 working days of the request at no cost to the customer. If a customer requests more than one meter test within any 12-month period, the energy utility may **require a deposit from** ~~charge~~ the customer to recover the reasonable cost of the test. The energy utility **will return the deposit** ~~may not charge the customer~~ if the meter is found to register **more than 2 percent fast** ~~outside the 2 percent accepted tolerance standard~~ under normal operating conditions.

(2) A customer and/or a designated representative shall have the right to be present at any meter test. The test shall be conducted at a mutually acceptable time during regular business hours.

(3) A **written** report showing the customer's name, the request date, the address where the meter has been installed, the meter's number, the date tested, and the test result shall be supplied to the customer within a reasonable time after completing the test.

Stat. Auth.: ORS Ch. 183, 756 & 757

Stats. Implemented: ORS 756.040 & 757.255

Hist.: PUC 164, f. 4-18-74, ef. 5-11-74 (Order No. 74-307); PUC 5-1983, f. 5-31-83, ef. 6-1-83 (Order No. 83-284); Renumbered from 860-021-0025; PUC 11-1998, f. & ef. 5-7-98 (Order No. 98-188)

860-021-0200

Establishing Credit for Residential Utility Service

~~———— (1) Mandatory deposit from known credit risks. Except as provided in section (5) of this rule, an energy or large telecommunications utility shall require a deposit from a customer or applicant who:~~

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

~~———— (b) Was previously terminated for theft of service by it or any Oregon utility, as defined in ORS 757.005 or 759.005, or was otherwise found to have diverted utility service.~~

~~———— (2) Credit established by prior account in good standing. An energy or large telecommunications utility may not require a deposit from an applicant it served within the preceding 24 months who voluntarily terminated service and whose final bill was paid in full by its due date.~~

~~———— (3) Credit established by other means. In all other cases, an applicant may choose whether to submit:~~

~~———— (a) A letter from another utility, as defined in ORS 757.005 or 759.005, on that utility's official stationary signed by an authorized employee, stating the utility served the named applicant within the preceding 24 months for the same type of utility service (energy or telecommunications), the applicant voluntarily terminated service, and the applicant paid his/her final bill in full by its due date; or~~

~~———— (b) A written surety agreement from a responsible party to secure payment in an amount equal to two months' average usage. For the purpose of this rule, an energy or large telecommunications utility customer who has received service continuously for the preceding 12 months from the same utility without late payment is a responsible party. The surety obligation ceases when the customer establishes good credit; or~~

~~———— (c) A deposit; or~~

~~———— (d) Positive identification. A customer or applicant provides positive identification by executing a service application which includes the customer's or applicant's name, address, date of birth, and social security number, if any, and is supported by any one of the following:~~

~~———— (A) An Oregon license from Department of Transportation Driver and Motor Vehicle Services Branch or other state identification containing the customer's or applicant's photograph or other identifying information such as name, date of birth, sex, height, color of eyes, and address; or~~

~~—— (B) U.S. passport, certificate of citizenship or naturalization, Immigration and Naturalization Service temporary resident card, employment authorization card, or equivalent identification, with photograph; or~~

~~—— (C) A combination of:~~

~~—— (i) Birth certificate or social security card;~~

~~—— (ii) Current identification from school, employment, Department of Human Resources Adult and Family Services Division, or other State of Oregon assistance program; and~~

~~—— (iii) With the name, address, and telephone number of a person who can verify the customer's or applicant's identity as shown, such as a teacher, employer, or caseworker.~~

~~—— (4) Except as provided in section (5) of this rule, a deposit required under these rules will not exceed one-sixth the amount of reasonable estimated billing for 12 months at rates then in effect. This estimate shall be based upon the use of service at the premises during the prior 12 months or upon the type and size of the customer's equipment that will use the service. Deposits for telecommunications service shall be based upon two months' average or estimated usage of the energy or large telecommunications utility's tariff and price-listed services.~~

~~—— (5) For telecommunications service applicants who are eligible for 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 rule.~~

~~—— (6) Any additional or subsequent deposit required shall be calculated as provided by section (4) of this rule using the most recent information available. Such deposits may be required as a condition of continued service:~~

~~—— (a) For large telecommunications utilities, if service records indicate unbilled intra-LATA toll activity greater than the basis of the prior deposit;~~

~~—— (b) For energy utilities, if the customer moves and the anticipated bill at the new residence will be at least 20 percent greater than the basis of the prior deposit; and~~

~~—— (c) When a customer who established credit by providing "positive identification" under these rules, the customer gave false information to establish identity.~~

~~—— (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.~~

(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, either by contacting the former utility or through an authorized letter provided by former utility on utility letterhead to include dates of service and

presented by the applicant, customer or former utility, 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 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 759.005, within the preceding 24 months and owed an account balance that was not paid in full when service was terminated. Subsection (2)(b) of this rule 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 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. For purposes of section (3) of this rule, a responsible party is a customer with the same utility who meets one of the qualifying conditions outlined in section (1) of this rule. The surety agreement 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.

Stat. Auth.: ORS Ch. 183, 756, 757, 759 & Ch. 290, OL 1987

Stats. Implemented: ORS 756.040 & Ch. 290, OL 1987

Hist.: PUC 164, f. 4-18-74, ef. 5-11-74 (Order No. 74-307); PUC 6-1981, f. & ef. 8-10-81 (Order No. 81-498); PUC 5-1983, f. 5-31-83, ef. 6-1-83 (Order No. 83-284); Renumbered from 860-021-0040; PUC 5-1989 (Temp), f. & cert. ef. 4-19-89 (Order No. 89-493); PUC 13-1989, f. & cert. ef. 9-12-89 (Order No. 89-1173); PUC 16-1990, f. 9-28-90, cert. ef. 10-1-90 (Order No. 90-1105); PUC 13-1997, f. & ef. 11-12-97 (Order No. 97-434); PUC 17-1997 (Temp), f. 12-11-97, ef. 1-1-98 (Order No. 97-469); PUC 5-1998, f. & cert. ef. 3-13-98 (Order No. 98-058); PUC 16-2001, f. & cert. ef. 6-21-01 (Order No. 01-488)

860-021-0205

Deposit Payment Arrangements for Residential Electric and Gas Utility Service

(1) When a gas or electric 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 30 days and 60 days after the first installment

payment. Except for the last payment, installments shall be the greater of \$30 or one-third **of** the deposit.

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

(3) When the gas or electric 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 30-day period.

(4) When a customer or applicant enters into an installment agreement for payment of a deposit under section (1) of this rule, the gas or electric utility shall provide written notice explaining its deposit requirements. The notice shall specify the date each installment payment shall be due and shall include a statement printed in bold-face type informing the customer or applicant that utility service will be disconnected if the gas or electric 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 **Resources 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 gas or electric 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 OAR 860-021-0405(5).

(6) When good cause exists, the Commission or the gas or electric utility may provide more liberal arrangements for payment of deposits than those set forth in this rule. The gas or electric 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.

Stat. Auth.: ORS 183, 756, 757 & Ch. 290, OL 1987

Stats. Implemented: ORS 756.040 & Ch. 290, OL 1987

Hist.: PUC 5-1983, f. 5-31-83, ef. 6-1-83 (Order No. 83-284), PUC 12-1983 f. & ef. 10-7-83 (Order No. 83-623); PUC 5-1987, f. & ef. 7-2-87 (Order No. 87-723); 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 11-1998, f. & ef. 5-7-98 (Order No. 98-188); PUC 16-2001, f. & cert. ef. 6-21-01 (Order No. 01-488)

860-021-0206**Payment Arrangements for Deposit and Installation Charges for Residential Telecommunications Utility Service**

(1) Time payments for deposits and nonrecurring charges shall be limited to charges for residential service and intraLATA toll. When the large telecommunications utility requires deposits and/or nonrecurring charges to establish or reestablish service from an applicant, the applicant shall pay one-fourth of the deposit and/or nonrecurring charges immediately. The customer **or applicant** shall pay the remainder in three equal installments, which shall be due 30, 60, and 90 days, respectively, after the date the payment agreement is executed. **Except for the last payment, installments shall be the greater of \$20 or one-fourth of the total deposit.** In communicating with an applicant to establish service or to require a deposit and/or nonrecurring charge, the large telecommunications utility shall inform the applicant of the availability of Link-Up America and Oregon Telephone Assistance Program benefits and inform the applicant that details are available from the Commission.

(2) When a customer makes an installment payment or a deposit with a payment for **telecommunications** utility service, the large telecommunications utility shall first apply the amount paid toward the amount due for deposit and/or nonrecurring charges.

(3) A customer who is required to pay an additional deposit shall pay one-fourth of the total deposit within five days to the large telecommunications utility. 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 30-day period.

(4) When a customer enters into an installment agreement for payment of a deposit **and/or** nonrecurring charges under section (1) of this rule, the large telecommunications utility shall provide written notice explaining its deposit and nonrecurring charges requirements. The notice shall specify the date each installment payment shall be due and shall include a statement printed in bold-face type informing the customer that utility service will be disconnected if payment is not received when due.

(5) If a customer fails to abide by the terms of an installment agreement, the large telecommunications utility may disconnect local exchange service after providing a written five-day notice. The notice shall contain the information set forth in OAR 860-021-0505(3)(a) through (e) and shall be served as required by in OAR 860-021-0505(4) and (5). In lieu of permanent disconnection, the large telecommunications utility may curtail service pursuant to OAR 860-021-0505(7).

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

(7) If disconnection for nonpayment of a deposit and/or nonrecurring charges occurs, the customer disconnected shall pay the full amount of the deposit, and/or nonrecurring charges, any applicable reconnection fee, late-payment fee, and past due **tariff and price-listed** amount before service is restored. A customer may continue with

an existing medical certificate time-payment agreement by paying all past-due installments.

Stat. Auth.: ORS Ch. 183, 756 & Ch. 290, OL 1987

Stats. Implemented: ORS 756.040 & Ch. 290, OL 1987

Hist.: 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 11-1998, f. & ef. 5-7-98 (Order No. 98-188); PUC 16-2001, f. & cert. ef. 6-21-01 (Order No. 01-488)

860-021-0210

Interest on Deposits for Residential and Nonresidential Utility Service

(1) ~~Unless otherwise specified by the Commission, customer deposits shall accrue interest at a rate based upon~~ **Each year, the Commission shall establish an annual interest rate that must be paid on customer deposits. The Commission will base the rate upon consideration of** the effective interest rate for new issues of one-year Treasury Bills issued during the last week of October; **the interest rate on the most recent issuance of one-year Treasury Bills, or the effective interest rate for the average yield of Treasury Bills of the closest term issued during the last week of October.** This interest rate, rounded to the nearest **one-half of one** percent, shall apply to deposits held during January 1 through December 31 of the subsequent year. The Commission will advise all energy and large telecommunications utilities of the changes in the rate to be paid on customer deposits held as needed.

(2) Upon payment of a deposit, the energy or large telecommunications utility shall ~~furnish~~ **provide the customer documentation a receipt** showing the date, name of the applicant or customer, the service address, the amount of deposit, a statement that the deposit will accrue interest at the rate prescribed by the Commission, and an explanation of the conditions under which the deposit will be refunded.

(3) If the deposit is held beyond one year, accrued interest will be paid by a credit to the customer's account. If held less than one year, interest will be prorated. An energy or large telecommunications utility shall keep a detailed record of each deposit received until the deposit is credited or refunded.

Stat. Auth.: ORS Ch. 183, 756, 757, 759 & Ch. 290, OL 1987

Stats. Implemented: ORS 756.040 & Ch. 290, OL 1987

Hist.: PUC 5-1983, f. 5-31-83, ef. 6-1-83 (Order No. 83-284); 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 16-2001, f. & cert. ef. 6-21-01 (Order No. 01-488)

860-021-0420

Disconnect ~~Field~~ Visit Charge

A **Commission approved** fee ~~in an amount approved by the Commission~~ may be charged whenever a gas or electric utility ~~is required to~~ visits a residential service address **intending to reconnect or disconnect service, but due to customer action, the gas or electric utility is unable to complete the reconnection of disconnection at the time of the visit** to serve a disconnection notice under OAR 860-021-0405(5) or (6).

Stat. Auth.: ORS Ch. 183, 756 & 757

Stats. Implemented: ORS 756.040 & 757.225

Hist.: PUC 5-1983, f. 5-31-83, ef. 6-1-83 (Order No. 83-284); PUC 12-1983, f. & ef. 10-7-83 (Order No. 83-623); PUC 16-1990, f. 9-28-90, cert. ef. 10-1-90 (Order No. 90-1105); PUC 11-1998, f. & ef. 5-7-98 (Order No. 98-188)

860-032-0095

Annual Fees Payable to the Commission by a Competitive Provider

(1) On statement forms prescribed by the Commission, each competitive provider shall provide the requested information for the subject year.

(2) Each competitive provider shall pay:

(a) An annual fee in compliance with OARs 860-011-0020 and 860-011-0023.

The annual fee shall be no less than \$100. The payment must be received in the Commission's offices no later than 5 p.m. on the due date.

(b) A late statement fee of \$100, if the Commission has not received the competitive provider's statement form, **completed in compliance with section (1) of this rule**, on or before 5 p.m. on the fifth business day following the due date.

(c) A penalty fee for failure to pay the full amount when due, as required under ORS 756.350 and OAR 860-032-0008(1).

(d) A service fee of \$25 for each payment returned for non-sufficient funds.

(e) All costs incurred by the Commission to collect a past-due annual fee from the competitive provider.

(3) For retail intrastate service rendered on or after January 1, 2000, each competitive provider must:

(a) Collect the annual fee by charging an equitable amount to each retail customer, using apportionment methods that are consistently applied by the competitive provider through Oregon, and

(b) Describe the amount of the apportioned charge upon each retail customer's bill.

(4) Each competitive provider shall:

(a) Maintain its records in sufficient detail to readily provide gross retail intrastate revenue from Oregon telecommunications services, as defined in OAR 860-032-0080;

(b) Follow the revenue allocation procedures in OAR 860-032-0090; and

(c) Make its revenue accounting records available to the Commission upon the Commission's request. A competitive provider must keep all records supporting each statement form for three (3) years, or until a Commission review or audit is complete, whichever is later.

(5) For any year in which a competitive provider's statement form was due, the Commission may audit the competitive provider as the Commission deems necessary and practicable:

(a) The Commission's audit must begin no later than three years after the statement form's due date. However, if the competitive provider failed to obtain a certificate of authority, an audit may occur at any time.

(b) If the Commission determines that the competitive provider has underreported its subject revenues, the Commission may assess an additional annual fee, along with a penalty fee for failure to pay under ORS 756.350.

(c) If the Commission determines that the competitive provider has overpaid its annual fee, the Commission shall, at its discretion, recompense the competitive provider with a refund or a credit against annual fees subsequently due.

(6) If the Commission receives a public record request for the confidential information required by this rule, the Commission shall assert that, subject to the limitations of the Public Records Law, the materials are trade secrets and, therefore, exempt from disclosure. The material shall be marked "EXEMPT FROM PUBLIC DISCLOSURE AS TRADE SECRETS."

(7) A cooperative that is a competitive provider shall pay an annual fee only on the gross retail intrastate revenue from telecommunications services that are provided under the cooperative's ORS 759.020 certificate of authority. A cooperative shall not pay an annual fee on revenue from telecommunications services that are provided under the cooperative's ORS 759.025 certificate of authority.

Stat. Auth.: ORS Ch. 183, 192, 756 & 759

Stats. Implemented: ORS 756.310, 756.320 & 756.350

Hist.: PUC 13-1999, f. & ef. 12-7-99 (Order 99-734)

860-032-0097

Estimated Annual Fees Payable to the Commission

(1) For any year in which a competitive provider fails to file a **completed** statement form, the Commission may determine a proposed annual fee based upon any information available to the Commission. The proposed annual fee shall:

(a) Include a penalty fee for failure to pay as required by ORS 756.350;

(b) Include a late statement fee of \$100;

(c) Be made no later than three (3) years after the statement form's due date.

However, if the competitive provider failed to obtain a certificate of authority, an audit may occur at any time; and

(2) The Commission shall provide written notice of the proposed annual fee to the competitive provider.

(3) Within 30 days after service of the notice of proposed annual fee, the competitive provider may file a petition with the Commission for a hearing. In its petition, the competitive provider must specify its reasons for disputing the proposed annual fee. The Commission may conduct a hearing on the petition under its rules governing hearings and proceedings.

(4) If the competitive provider has not filed a petition by the end of the 30-day period, the proposed annual fee is due and payable.

(5) During the 30-day period allowed for filing a petition, the competitive provider may file its **completed** statement form and pay the annual fee, penalties, and late statement fee. The Commission shall accept the statement form, fees, and penalties in accordance with the original due date for that year's statement form and payment.

Stat. Auth.: ORS 183, 192, 756 & 759

Stats. Implemented: ORS 756.040, 756.310, 756.320 & 756.350

Hist.: PUC 8-2003, f. & cert. ef. 4-28-03; PUC 20-2003, f. & cert. ef. 11-14-03
(Order No. 03-630)

860-033-0005

OTAP Residential Service Protection Fund Definitions

For the purpose of this division:

~~(1) “Residential Service Protection Fund” means a legislatively approved fund in the Oregon State Treasury” means a specified amount up to 35 cents per month against each paying retail subscriber who has telecommunications service with access to the telecommunications relay service:~~

~~_____ (2) “Residential Service Protection Fund Surcharge” means a specified amount up to 35 cents per month against each paying retail subscriber who has telecommunications service with access to the telecommunications relay service:~~

~~_____ (a) The surcharge shall be applied on a telecommunications circuit designated for a particular subscriber. One subscriber line shall be counted for each circuit that is capable of generating usage on the line side of the switched network regardless of the quantity of customer premises equipment connected to each circuit. For providers of central office based services, the surcharge shall be applied to each line that has unrestricted connection to the telecommunications relay service. These central office based service lines that have restricted access to the Oregon Telecommunications Relay Service (OTRS) shall be charged based on software design. For cellular, wireless, or other radio common carriers, the surcharge shall be applied on a per-instrument basis.~~

~~_____ (b) The surcharge does not apply to interconnection between telecommunications utilities, telecommunications cooperatives, competitive telecommunications providers certified pursuant to ORS 759.020, radio common carriers, and interexchange carriers or other services exempt by the Constitution or laws of the United States or the State of Oregon.~~

(1) “Basic Service” means “basic telephone service” as defined in OAR 860-032-0190(2). For qualifying low-income recipients, basic service also includes access to toll-limitation services.

(2) “Eligible Telecommunications Provider” means a provider of telecommunications service, designated as such by the Commission to receive universal service support throughout the service area for which the designation is received, who meets the following criteria:

(a) The telecommunications provider must offer the services supported by the federal universal service fund under 47 CFR Section 54.101 as adopted by the FCC on May 8, 1997, in CC Docket 96-45, either using its own facilities or a combination of its own facilities and resale of another carrier’s services (including the services offered by another eligible telecommunications provider throughout the service area;

(b) The telecommunications provider must advertise the availability of such services and the charges thereof using a medium of general distribution

(c) A cellular, wireless, or other radio common carrier is eligible for designation as an “eligible telecommunications provider” for purposes of the Residential Service Protection Fund program.

(3) “Local Exchange Service” means a “local exchange telecommunications service” as defined in ORS 759.005(1)(c).

~~_____ (4) “Oregon Telephone Assistance Program (OTAP)” means a program established by the Commission which offers reduced local exchange rates to eligible low-income residential customers.~~

~~_____ (5) The Commission annually shall review the surcharge and the balance in the Residential Service Protection Fund and may make adjustments to the amount of the surcharge to ensure the fund has adequate resources but does not exceed six months of projected expenses. The annual review by the Commission shall take place every January.~~

(4) “Monthly Billing” means the billing period between the first day and last day of a calendar month.

(5) “Oregon Telephone Assistance Program (OTAP)” means a program established by the Commission that offers reduced local exchange rates to eligible low-income residential customers.

(6) “Outstanding Accounts” means amounts owing to the Commission including, but not limited to, current accounts receivable and accounts, which the Commission has written off through appropriate legal procedures. The term does not include amounts owing to the Commission, which have been lawfully discharged through bankruptcy proceedings or amounts ~~which~~that are the subject of a proceeding pending before the Commission.

~~(7) “Eligible Telecommunications Carrier” means a provider of telecommunications service, designated as such by the Commission to receive universal service support throughout the service area for which the designation is received, who meets the following criteria:~~

~~_____ (a) The telecommunications service provider must offer the services supported by the federal universal service fund under 47 CFR Section 54.101 as adopted by the FCC on May 8, 1997, in CC Docket 96-45, either using its own facilities or a combination of its own facilities and resale of another carrier’s services (including the services offered by another eligible telecommunications carrier) throughout the service area, and~~

~~_____ (b) The telecommunications service provider must advertise the availability of such services and the charges therefore using a medium of general distribution.~~

~~_____ (8) A cellular, wireless, or other radio common carrier is eligible for designation as an “eligible telecommunications carrier” for purposes of the Residential Service Protection program.~~

~~_____ (9) “Toll Limitation Service” means a service provided by eligible telecommunications carriers that allows OTAP recipients to elect not to allow the completion of outgoing toll calls from their telecommunications circuits (toll blocking) or to specify a certain toll usage that may be incurred on their telecommunications circuits per month or per billing cycle (toll control).~~

(7) “Quarterly Billing” means the billing periods for the four quarters in each calendar year, which are January 1 through March 31, April 1 through June 30, July 1 through September 30, and October 1 through December 31.

(8) “Residential Service Protection Fund (RSPF)” means a legislatively approved fund in the Oregon State Treasury.

(9) “RSPF Surcharge” means a specified amount up to 35 cents per month against each paying retail subscriber who has telecommunications service with access to the telecommunications relay service:

(a) The RSPF surcharge shall be applied on a telecommunications circuit designated for a particular subscriber. One subscriber line shall be counted for each circuit that is capable of generating usage on the line side of the switched network regardless of the quantity of customer premises equipment connected to each circuit. For providers of central office based services, the surcharge shall be applied to each line that has unrestricted connection to the telecommunications relay service. These central office based service lines that have restricted access to the Oregon Telecommunications Relay Service (OTRS) shall be charged based on software design. For cellular, wireless, or other radio common carriers, the surcharge shall be applied on a per-instrument basis.

(b) The RSPF surcharge does not apply to interconnection between telecommunications utilities, telecommunications cooperatives, competitive telecommunications providers certified pursuant to ORS 759.020, radio common carriers, and interexchange carriers or other services exempt by the Constitution or laws of the United States or the State of Oregon.

(c) The Commission annually shall review the surcharge rate and the balance in the Residential Service Protection Fund and may adjust the amount of the surcharge to ensure the fund has adequate resources but does not exceed six months of projected expenses. The annual review by the Commission shall take place every January.

(10) “Remittance Report” means the RSPF remittance report completed on a form provided by the Commission.

(11) “Toll Limitation Service” means a service provided by eligible telecommunications providers that allows OTAP recipients to elect not to allow the completion of outgoing toll calls from their telecommunications circuits (toll blocking) or to specify a certain toll usage that may be incurred on their telecommunications circuits per month or per billing cycle (toll control).

(12) In computing any period of time prescribed or allowed by these rules, the day of the act or event from which the designated period of time begins to run shall not be included. The last day of the time period shall be included, unless it is a Saturday or legal holiday, including Sunday, in which event the time period runs until the end of the next day which is not a Saturday or a legal holiday. Legal holidays are those identified in ORS 187.010 and 187.020.

Stat. Auth.: ORS Ch. 183, 756, 759 & Ch. 290, OL 1987

Stats. Implemented: ORS 756.040, 759.030 & Ch. 290, OL 1987

Hist.: PUC 9-1988, f. & cert. ef. 4-28-88 (Order No. 88-415); PUC 3-1992, f. & ef. 2-14-92 (Order No. 92-238); PUC 14-1995, f. & ef. 12-20-95 (Order No. 95-1328); PUC 18-1997, f. & ef. 12-17-97 (Order No. 97-489); PUC 4-2001, f. & ef. 1-24-01 (Order No. 01-117)

860-033-0006

Monthly and Quarterly RSPF Surcharge Remittance Reports and Fees

(1) Each telecommunications provider shall submit the RSPF remittance report and surcharge fees each billing period. The remittance report and surcharge fees are due on the 21st calendar day after the close of each monthly or quarterly billing period. The telecommunications provider shall send the remittance report and surcharge fees to the RSPF manager at the Commission.

(a) Each telecommunications provider who has 1,000 or more customers shall collect and submit the RSPF surcharge fee and remittance report monthly.

(b) Each telecommunications provider who has fewer than 1,000 customers shall collect the RSPF surcharge fee and submit the remittance report either monthly or quarterly at the telecommunication provider's discretion.

(2) Each telecommunications provider shall submit the remittance report and surcharge fee with no exceptions. If the surcharge collected is \$0.00, the telecommunications provider shall still submit a monthly or quarterly remittance report, at the telecommunication provider's discretion.

(3) To cover administrative costs, for each billing period that a telecommunications provider fails to submit the surcharge fees in full on or before the day it is due as required by these rules, the Commission shall impose a late payment fee equal to 9 percent of the unpaid amount of the unpaid fee, up to a maximum of \$500. The Commission shall not impose a late payment fee until the surcharge fees are five business days past due.

(4) If a telecommunications provider fails to file a remittance report as required by these rules, the Commission shall impose a late report fee of \$100. The Commission shall not impose a late report fee until the remittance report is five business days past due.

(5) If the telecommunications provider fails to submit the surcharge fee in full on or before it is due, the Commission shall add interest on the unpaid amount at the rate of 9 percent per annum from the day payment was due until paid.

(6) If the amount shown due on a remittance report is not paid by the due date, the Commission may issue a proposed order to set the sum due. The Commission may waive late payment fees and interest if the evidence shows that the telecommunications provider submitted the surcharge fees late due to circumstances beyond its control.

Stat. Auth.: ORS Ch. 183, 756, 759 & Ch. 290, OL 1987

Stats. Implemented: ORS 756.040, 759.030 & Ch. 290, OL 1987

Hist.: NEW

860-033-0007

Estimated Report

(1) For any time period for which a telecommunications provider fails to file a remittance report as required by these rules, the Commission may make a proposed surcharge assessment based upon any information available to the Commission.

(2) The proposed assessment shall include a late payment fee equal to 9 percent of the proposed assessment amount, up to a maximum of \$500 for that reporting period.

(3) Each proposed assessment shall bear interest on the amount proposed at the rate of 9 percent per annum from the day the surcharge fee was originally due.

(4) The Commission's proposed assessment for a non-filed RSPF remittance report must be made no later than 3 years after the remittance report's due date.

(5) Notwithstanding section (4) of this rule, if the telecommunications provider did not hold a certificate of authority, if one was required by law, the Commission shall have an unlimited time to propose an assessment for the time period represented by the non-filed remittance report. The proposed assessment shall include all late payment fees as specified in this rule.

(6) Prior to the expiration of the period allowed for filing a petition for a hearing, the telecommunications provider may file its remittance report. The Commission shall accept the report and calculate late report fees, late payment fees, and interest in accordance with the original due date for the time period specified in these rules for the report and payment, if any, accompanying the report.

Stat. Auth.: ORS Ch. 183, 756, 759 & Ch. 290, OL 1987

Stats. Implemented: ORS 756.040, 759.030 & Ch. 290, OL 1987

Hist.: NEW

860-033-0008

Commission Audit and Proposed Assessment

(1) For any time period for which a telecommunications provider's remittance report was due, the Commission may audit the telecommunications provider as the Commission deems necessary and appropriate.

(2) The Commission's audit must begin no later than three years after the remittance report's due date. After completion of the audit, the Commission may propose to assess an additional surcharge amount due from the telecommunications provider.

(3) If a telecommunications provider failed to file a remittance report the time period specified in these rules, the Commission shall add to the proposed assessment a late payment fee equal to 9 percent of the amount of the proposed assessment, up to a maximum of \$500.

(4) Each proposed assessment shall bear interest on the additional amount proposed at the rate of 9 percent per annum from the day the original surcharge amount was due.

(5) Notwithstanding section (2) of this rule, if the telecommunications provider did not hold a certificate of authority, if one was required by law, the Commission shall have an unlimited time to audit the telecommunications provider for the surcharge fees.

Stat. Auth.: ORS Ch. 183, 756, 759 & Ch. 290, OL 1987

Stats. Implemented: ORS 756.040, 759.030 & Ch. 290, OL 1987

Hist.: NEW

860-033-0009

Notice and Hearing on Proposed Orders

(1) The Commission shall provide written notice of a proposed order or proposed assessment upon the telecommunications provider, as well as a proposal to revoke or suspend the telecommunications provider's certificate of authority. The Commission will allow the telecommunications provider an opportunity to request a hearing before the Commission on the notice of proposed action.

(2) Within 30 days after the service of the notice of a proposed order, a telecommunications provider may petition the Commission in writing for a hearing. If a petition is not filed within the 30-day period, the Commission shall enter a final order or assessment based upon information in the Commission's files. If a petition is filed within the 30-day period, the Commission shall grant the telecommunications provider a hearing and give the telecommunications provider at least 10 days' notice of the time and place of a hearing.

(3) The telecommunications provider must specify in its petition all reasons it disputes the notice of proposed action. The Commission shall conduct a hearing on the telecommunications provider's petition under its rules governing hearings and proceedings.

(4) A Commission decision regarding the outcome of the petition shall become final after service of the Commission's order upon the petitioning telecommunications provider.

(5) A proposed assessment made by the Commission under these rules is due and payable on the 10th day after the Commission's order becomes final.

Stat. Auth.: ORS Ch. 183, 756, 759 & Ch. 290, OL 1987

Stats. Implemented: ORS 756.040, 759.030 & Ch. 290, OL 1987

Hist.: NEW

860-033-0010

OTAP Applicability

The Oregon Telephone Assistance Program (OTAP) is designed to provide reduced rates for an eligible telecommunications **provider's carrier's basic residential** service for low-income customers who meet eligibility requirements. Reduced rates apply to the single line, or service that is functionally equivalent to a single line, serving the eligible household's principal residence. The surcharge is levied on each local access line. All telecommunications utilities, public utilities, competitive providers, cooperative corporations, and unincorporated associations providing telecommunications service are required to follow these provisions.

Stat. Auth.: ORS Ch. 183, 756, 759 & Ch. 290, OL 1987

Stats. Implemented: ORS 756.040, 759.030 & Ch. 290, OL 1987

Hist.: PUC 9-1988, f. & cert. ef. 4-28-88 (Order No. 88-415); PUC 3-1992, f. & ef. 2-14-92 (Order No. 92-238); PUC 18-1997, f. & ef. 12-17-97 (Order No. 97-489)

860-033-0030

OTAP Eligibility

- (1) Eligibility for OTAP can be demonstrated by one of the following methods:
 - (a) Application to the Commission by an individual currently receiving benefits from the federal food stamp program or receiving benefits from another low-income public assistance program for which eligibility requirements do not exceed 135 percent of the poverty level;
 - (b) Certification by an agency contracting with the Commission to qualify an individual as meeting eligibility criteria; or
 - (c) Certification of eligibility in a public assistance program which the Commission has determined to meet eligibility criteria.
- (2) An applicant or recipient is required to furnish his/her social security number before his/her OTAP eligibility can be determined. Failure to do so will result in denial of benefits.
- (3) An applicant must sign a written authorization (OTAP application) permitting the Commission to release necessary information to an eligible telecommunications **providercarrier and, as necessary, to the following: Department of Human Services, the applicant's personal representative or a legal guardian.**
- (4) The Commission must be able to verify an individual's continuing participation in a qualifying program. Continuing OTAP eligibility will be based on periodic recertification by the Commission.
- (5) Eligible telecommunications **carriersproviders** and OTAP shall treat OTAP data as confidential information, **to the extent allowed by law,** to be used for OTAP program purposes only.
- (6) An applicant or recipient is required to be the named subscriber to the local telecommunication service in order for that household to qualify for OTAP benefits. **The Commission may waive this requirement if it determines that good cause exists.**
- (7) **An applicant who did not receive his or her benefits from a telecommunications provider after being approved by the Commission may be reimbursed up to a maximum of one year of OTAP benefits credited to their telephone line. Applicants must submit their request to the Commission in writing in order to receive the OTAP credit.**

Stat. Auth.: ORS Ch. 183, 756, 759 & Ch. 290, OL 1987
Stats. Implemented: ORS 756.040, 759.030 & Ch. 290, OL 1987
Hist.: PUC 9-1988, f. & cert. ef. 4-28-88 (Order No. 88-415); PUC 3-1992, f. & ef. 2-14-92 (Order No. 92-238); PUC 11-1995, f. & ef. 11-27-95 (Order No. 95-1217); PUC 6-1997, f. & ef. 1-10-97 (Order No. 97-005); PUC 18-1997, f. & ef. 12-17-97 (Order No. 97-489); PUC 12-1999, f. & ef. 11-18-99 (Order No. 99-709)

860-033-0045

OTAP Compensable Expenses

- (1) **Each** eligible telecommunications **carriersprovider** shall be compensated from the Residential Service Protection Fund for specific costs incurred as a consequence of participating in OTAP. Eligible telecommunications **carriersproviders** shall request compensation by submitting invoices **to the Commission at least quarterly. no later**

than 21 calendar days after the end of the billing period. A telecommunications provider with 1,000 or more OTAP customers must submit the invoice monthly. A telecommunications provider with less than 1,000 monthly customers shall submit an invoice either monthly or quarterly. Funds will be disbursed to a ~~carrier~~**provider** no more than 20 calendar days after the Commission receives a properly filed invoice:

(a) Each eligible telecommunications ~~carriers~~**provider** will be compensated for benefit costs. Compensation will equal the revenue ~~the carrier~~**provider** foregoes by providing local service to qualified low-income customers at a reduced rate. **The telecommunications provider's** invoices shall indicate the number of qualified customers who received the OTAP benefit during a specified period and the amount of revenue foregone during the same period;

(b) Each eligible telecommunications ~~carriers~~**provider** shall receive compensation for each customer ~~they~~ **it** enrolls for the OTAP benefit at the Commission's request. **The telecommunications provider's** invoices shall indicate the number of customers who were enrolled during a specified period;

(c) Each eligible telecommunications ~~carriers~~**provider** shall be compensated for the cost of preparing special administrative reports for OTAP. **The telecommunications provider's** invoices shall include the number and type of administrative reports prepared for the Commission during a specified period; and

(d) An eligible telecommunications provider may not authorize OTAP benefits for customers without Commission approval. A telecommunication provider who grants OTAP benefits to ineligible customers will have the total amount of the OTAP benefits that were given to those customers deducted from the monthly or quarterly OTAP reimbursement invoices that the telecommunications provider submits to the Commission.

~~(de)~~ An eligible telecommunications ~~carriers~~**provider shall** be compensated for the cost of preparing and distributing educational materials about OTAP at the Commission's request. **The telecommunications provider's** invoices shall indicate the number of customers receiving the materials and include an itemized accounting of the cost of preparing the materials. **The Commission must approve all expenses before the materials are distributed to customers.**

(2) The Commission will determine the compensation amount based on the costs an eligible telecommunications ~~carrier~~**provider** would reasonably incur to accomplish each task referred to in section (1) of this rule.

(3) Each eligible telecommunications ~~carriers~~**provider** providing low-income telephone assistance under approved alternative plans shall be compensated for benefit and administrative costs. However, compensation from the Residential Service Protection Fund shall be no greater than the compensation ~~carriers~~**providers** would have received had they participated in OTAP.

(4) Governmental agencies contracting with the Commission to certify the eligibility requirements of individuals or to perform other administrative functions authorized by these rules shall be compensated based on the terms of the contract.

Stat. Auth.: ORS Ch. 183, 756,759 & Ch. 290, OL 1987

Stats. Implemented: ORS 756.040, 759.030 & Ch. 290, OL 1987

Hist.: PUC 9-1988, f. & cert. ef. 4-28-88 (Order No. 88-415); PUC 18-1997, f. & ef. 12-17-97 (Order No. 97-489)

860-033-0050

Link-Up America Eligibility

(1) The Commission adopts the Federal Communications Commission (FCC) eligibility criteria for Link-Up America.

~~_____ (a) Applicants may self-certify to an eligible telecommunications carrier eligibility criteria other than the income criterion. The Commission must verify income eligibility; and~~

~~_____ (b) Applicants must be certified by an organization approved by the Commission as meeting the requirements of an established income test for a low-income assistance program offered through the Department of Human Resources.~~

(2) Each applicant and recipient must:

(a) Be certified by an organization approved by the Commission as meeting the requirements of an established income test for a low-income assistance program offered through the Department of Human Resources or qualify for the Low Income Energy Assistance Program (LIEAP). LIEAP recipients must provide the Commission a document demonstrating their participation in the program.

(b) Submit their Link-Up America applications to the Commission. The Commission will forward their application to the applicant's telecommunication provider.

~~(c) An applicant or recipient is required to furnish his/her social security number before his/her eligibility in the OTAP Link-Up America can be determined. Failure to do so will result in denial of benefits.~~

(23) Security deposit requirements will be waived for residential applicants who are eligible for Link-Up America and who satisfy the credit requirements of OAR Chapter 860, Division 021, or if the qualifying low-income consumer voluntarily elects toll blocking from the ~~carrier~~**provider**, where available.

(34) If an applicant does not meet the credit requirements of OAR Chapter 860, Division 021, or has an outstanding bill with the eligible telecommunications ~~carrier~~**provider**, the deposit will not be waived and the applicant will be subject to the conditions and payment arrangements contained in OAR 860, Division 021.

(45) An eligible telecommunications ~~carrier~~**provider** shall offer a 50 percent reduction in its tariffed line connection charge, up to a maximum reduction of \$30, to eligible Link-Up America applicants. This assistance does not cover special features, services, or deposits. Eligible residents living on federally recognized tribal lands shall receive an additional reduction of up to \$70 to cover 100% of the charges between \$60 and \$130 for a total maximum support amount of \$100 per qualifying low-income subscriber on tribal lands with initial connection or line extension costs of \$130 or more as prescribed in FCC Order No. 00-208, Paragraph 59. **Tribal Lifeline recipients must contact their telecommunications providers directly to submit Link-Up America Applications.**

(56) An eligible telecommunications ~~carrier~~**provider** shall offer a deferred schedule for payment of the charges assessed for commencing service, for which the consumer does not pay interest. The interest charges not assessed to the consumer shall

be for connection charges of up to \$200 that are deferred for a period not to exceed one year. Charges assessed for commencing service include any charges that the **carrier provider** customarily assesses to connect subscribers to the network. These charges do not include any permissible security deposit requirements.

(67) An eligible telecommunications **carrier's provider's** Link-Up America program shall allow a customer to receive the benefit of the Link-Up America program for a second or subsequent time only for a principal place of residence with an address different from the address at which the Link-Up America assistance was previously provided.

(78) An eligible telecommunications **carrier provider** shall seek reimbursement from the National Exchange Carrier's Association (NECA), an authorized agent of the FCC.

(89) Failure by a customer to make payments as agreed upon with the eligible telecommunications **carrier provider** will result in disconnection of service pursuant to OAR Chapter 860, Division 021.

(910) Upon FCC approval of a Commission OTAP and Link-Up America plan, an eligible telecommunications **carrier provider** subject to Oregon Law 1987, Chapter 290, shall file appropriate tariffs or price lists with the Commission.

[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the office of the Public Utility Commission.]

Stat. Auth.: ORS Ch. 183, 756, 759 & Ch. 290, OL 1987

Stats. Implemented: ORS 756.040, 759.030 & Ch. 290, OL 1987

Hist.: PUC 9-1988, f. & cert. ef. 4-28-88 (Order No. 88-415); PUC 8-1989, f. & cert. ef. 6-8-89 (Order No. 89-724); PUC 3-1992, f. & ef. 2-14-92 (Order No. 92-238); PUC 2-1996, f. & ef. 4-18-96 (Order 96-102); PUC 6-1997, f. & ef. 1-10-97 (Order No. 97-005); PUC 18-1997, f. & ef. 12-17-97 (Order No. 97-489); PUC 02-2002, f. & ef. 2-5-02 (Order No. 01-1023)

860-033-0505

TDAP Definitions

(1) "Adaptive Equipment" means special telecommunications equipment that permits a ~~disabled person~~ **person with a disability**, other than a hearing- or speech-impaired ~~person~~, to communicate effectively on the telephone.

(2) "Applicant" means a person who applies for an assistive telecommunication device, adaptive equipment, and/or signal device.

(3) "Assistive Telecommunication Device" means a device that uses a keyboard, acoustic coupler, display screen, Braille display, speakerphone, or amplifier to enable **people who are** deaf, deaf-blind, severely hearing impaired, ~~or~~ severely speech impaired **or who people have a disability that prevents them from using a standard phone** to communicate effectively on the telephone.

(4) "Assistive Telecommunication Device" or "Adaptive Equipment Maintenance Service" means a facility authorized by the Commission to repair any reasonably damaged assistive telecommunication device or adaptive equipment.

(5) “Authorized Distributor” means a facility authorized by the Commission to distribute assistive telecommunication devices and adaptive equipment.

(6) “Disabled” means a physical condition other than hearing or speech impairment that requires use of adaptive equipment before a person can use the telephone.

(7) “Distribution Center” means a facility authorized by the Commission to distribute adaptive equipment.

(8) “Household” means all occupants living in one dwelling.

(9) “Local Exchange Carrier” means a “telecommunications utility” as defined in ORS 759.005(1)(c) or cooperative association that switches and transports communications between customers linked inside an exchange.

(10) “Recipient” means a person whose application for assistive telecommunication devices or adaptive equipment has been approved by the Commission and who receives assistive telecommunication devices or adaptive equipment.

(11) “TDAP Manager” means a person employed by the Commission to implement the Telecommunication Devices Access Program (TDAP).

(12) “TeleBraille” means a two-unit system designed for face to-face and telephone communication through the use of a modified assistive telecommunication device equipped with a typewriter keyboard, visual display, and acoustical coupler, linked to a Braille display with a 20-cell dynamic Braille display.

(13) “Telecommunication Devices Access Program or TDAP” means a program established by the Commission which with the Telecommunication Devices Access Program Advisory Committee’s advice provides assistive telecommunication devices or adaptive equipment and dual party relay services at no additional cost beyond telephone service for customers who are deaf, severely hearing-impaired, severely speech-impaired, or deaf-blind-~~customers~~.

(14) “Telephone Relay Center” means a facility authorized by the Commission to provide telephone relay service.

(15) “TTY” is a telecommunication device for the deaf that uses a keyboard and a one-inch screen to transmit messages back and forth through a telephone line.

Stat. Auth.: ORS Ch. 183, 756, 759 & Ch. 290, OL 1987

Stats. Implemented: ORS 756.040, 759.030 & Ch. 290, OL 1987

Hist.: PUC 7-1988, f. & cert. ef. 4-6-88 (Order No. 88-339); PUC 3-1992, f. & ef. 2-14-92 (Order No. 92-238); PUC 18-1997, f. & ef. 12-17-97 (Order No. 97-489); PUC 12-1999, f. & ef. 11-18-99 (Order No. 99-709)

860-033-0530

TDAP Eligibility

(1) ~~Eligibility~~ **An applicant is eligible** to receive assistive telecommunication devices or adaptive equipment from the TDAP ~~can be demonstrated by meeting all the following requirements if the applicant:~~

(a) ~~“Applicant” or applicant’s parent or guardian is a customer of an eligible telecommunications carrier or has~~ Shows evidence of regular access to a specific telephone number in Oregon; and

~~(b) An Applicant shall provide to the Commission a written form provided by the TDAP and signed by a licensed physician, audiologist, speech pathologist, vocational rehabilitation counselor, or a person certified by the program as qualified to determine whether a person meets the eligibility requirements of TDAP. The form shall state that the applicant is deaf, severely hearing-impaired, severely speech-impaired, or deaf-blind. For an applicant under 18 years of age, a parent or a guardian must apply on the applicant's behalf and assume full responsibility for the assistive telecommunication device or adaptive equipment and services. Emancipated minors are considered adults. Shows he or she is an Oregon resident; and~~

(c) Submits to the Commission a written form:

(A) Provided by the TDAP, and

(B) Signed by a licensed physician, audiologist, speech pathologist, vocational rehabilitation counselor from the Oregon State Vocational Rehabilitation Division , or a person certified by the program as qualified to determine whether a person meets the eligibility requirements of TDAP, and

(C) A statement that the applicant is deaf, severely hearing-impaired, severely speech-impaired, deaf-blind, or has a disability that prevents him or her from using a standard phone.

(d) For an applicant under 18 years of age, or an adult applicant who is determined to require a legal guardian, a parent or a guardian must apply on the applicant's behalf and assume full responsibility for the assistive telecommunication device or adaptive equipment and services. Emancipated minors are considered adults. Applicants under the age of 18 years of age must sign a new Conditions of Acceptance form within 30 calendar days after they become 18 years of age. Failure to do so will result in the Commission billing the parent or guardian for the device.

(2) The TDAP shall only approve applications for persons who cannot use the telephone for expressive or receptive communication. The TDAP shall provide equipment suitable to access the telecommunications system.

(3) The TDAP shall provide one assistive telecommunication device or adaptive device per household. However, two assistive telecommunication devices or adaptive devices may be provided to a household if more than one eligible person permanently resides in the household.

(4) If the Commission purchases new devices that may benefit a current TDAP recipient more than the Commission-provided equipment the recipient is currently using, the Commission will allow the recipient to use both the current and new device for a two-week trial period. The recipient must return the equipment that is less beneficial to the Commission within five business days after the end of the trial period. If the recipient fails to return the equipment, the recipient is responsible for the cost of the more expensive equipment.

Stat. Auth.: ORS Ch. 183, 756, 759 & Ch. 290, OL 1987

Stats. Implemented: ORS 756.040, 759.030, & Ch. 290, OL 1987

Hist.: PUC 7-1988, f. & cert. ef. 4-6-88 (Order No. 88-339); PUC 18-1989, f. & cert. ef. 12-14-89 (Order No. 89-1602); PUC 3-1992, f. & ef. 2-14-92 (Order No. 92-

238); PUC 18-1997, f. & ef. 12-17-97 (Order No. 97-489); PUC 12-1999, f. & ef. 11-18-99 (Order No. 99-709)

860-033-0535

Ownership and Identification of Assistive Telecommunication Devices or Adaptive Equipment

The following are ownership and identification procedures:

(1) All assistive telecommunication devices or adaptive equipment purchased under the TDAP will remain the property of the State of Oregon. The distributors and distribution centers shall record the serial number of each assistive telecommunication device or adaptive equipment. A distribution center's failure to comply may terminate the center's contract with the State of Oregon.

(2) Any assistive telecommunication device or adaptive equipment distributed to eligible applicants under this program shall not be sold, loaned, or otherwise transferred from the possession of the original recipient. Unauthorized transfers will subject the recipient to repossession of the assistive telecommunication device or adaptive equipment, prosecution, or liability for the full purchase price of the equipment.

(3) Any recipient who moves to a different address within Oregon must report the new address to the Commission within **2030 calendar** days of the move. A recipient who moves out of Oregon, or who is no longer receiving telephone services, shall return all assistive telecommunication devices or adaptive equipment received through the TDAP to a distribution center or the Commission within 30 calendar days after termination of local exchange service or before leaving Oregon, whichever is sooner. However, a recipient may take assistive telecommunication devices or adaptive equipment on travel outside Oregon. The recipient must obtain written permission from the TDAP Manager if the travel will be for more than 90 **calendar** days.

(4) Recipients must sign the Conditions of Acceptance Agreement before they receive an assistive telecommunication device or adaptive equipment.

(5) **Stolen Equipment or Equipment Damaged by Acts of Nature or Disasters:**

(a) If the equipment is stolen, a recipient must notify the local law enforcement agency within 24 hours of the time the recipient discovers the theft. A recipient shall forward a copy of the police report to the TDAP Manager or a distribution center within five Commission business days of the date the theft was reported. If the local law enforcement agency does not respond to the recipient's theft report, the recipient must notify the Commission's TDAP Manager within two Commission business days after the theft was reported. The recipient shall forward his/her written report to the TDAP Manager that describes the theft and includes any witnesses' names, addresses, and telephone numbers.

(b) If the equipment is stolen outside the United States, the recipient must submit a copy of the police report to the TDAP Manager within five Commission business days of the date the theft was reported. If the local law enforcement agency does not respond to the recipient's theft report, the recipient must notify the TDAP Manager within two Commission business days after returning to Oregon. The recipient shall forward **to the TDAP Manager** his/her written report ~~to the TDAP Manager~~ that includes the purpose of the recipient's travel; includes any witnesses' names, addresses, and telephone numbers; and describes the theft.

(c) If the equipment is damaged due to acts of nature or disasters that include floods, storms, fire, or other acts of nature, the recipient must submit an insurance, fire department, police report, or other equivalent documentation about the event within five business days after the date the event occurred.

Stat. Auth.: ORS Ch. 183, 756, 759 & Ch. 290, OL 1987
Stats. Implemented: ORS 756.040, 759.030 & Ch. 290, OL 1987
Hist. PUC 7-1988, f. & cert. ef. 4-6-88 (Order No. 88-339); PUC 3-1992, f. & ef. 2-14-92 (Order No. 92-238); PUC 18-1997, f. & ef. 12-17-97 (Order No. 97-489); PUC 12-1999, f. & ef. 11-18-99 (Order No. 99-709)

860-033-0536

TDAP Recipients' Liability

The rRecipients ~~shall~~will be held financially responsible for any damage to the equipment that is not caused by normal wear and tear or acts of nature or disasters, as a result of neglect, abuse, misuse, recklessness, intentional destruction, or loss. Recipients shall pay the damage in full. Recipients are not liable for damage caused to the equipment by normal wear and tear or acts of nature such as earthquakes and floods. Recipients shall also be held financially responsible for the full replacement cost of the state's equipment if they move out of Oregon without returning the equipment. To avoid financial responsibility for damaged equipment, the recipient must prove to the Commission that the damage was caused by normal wear and tear or acts of nature or disasters. The Commission will also hold the recipient financially responsible for the full replacement cost of the equipment if the recipient moves out of Oregon without returning the equipment.

Stat. Auth.: ORS Ch. 183, 756, 759 & Ch. 290, OR Laws 1987
Stats. Implemented: ORS 756.040, 759.030 & Ch. 290, OR Laws 1987
Hist. PUC 7-1988, f. & cert. ef. 4-6-88 (Order No. 88-339); PUC 3-1992, f. & ef. 2-14-92 (Order No. 92-238); Renumbered from 033-0535(5); PUC 18-1997, f. & ef. 12-17-97 (Order No. 97-489)

860-033-0537

Billing Recipients for Assistive Telecommunication Devices or Adaptive Equipment

(1) Invoices:

(a) The Commission shall mail two invoice notices, at least 30 calendar days apart, indicating the amount of and the reason for such invoice to the responsible recipient at the last known address. The recipient shall have 30 calendar days to respond to each notice.

(b) The invoiced recipient may call or meet with the TDAP Manager to discuss and attempt to resolve the invoices. At the TDAP Manager's discretion, further investigation may be initiated. If the investigation finds that the invoice was issued in error (for example, there is no verifiable reason for the invoice having been sent), the invoice may be canceled.

(c) If the Commission does not receive payment, the TDAP Manager shall begin the complainprocess pursuant to ORS 756.500.

(2) Incorrect address: When an invoice is returned with an incorrect address and the invoiced recipient has not notified the TDAP Manager of an address change as required by TDAP rules, the amount billed to the recipient shall become a liquidated debt.

(3) Recipients and applicants who request equipment must have paid all outstanding accounts with the Commission.

(4) Billing procedures for a household with more than two assistive telecommunication devices or adaptive equipment:

(a) The Commission shall mail a letter to the recipient who most recently applied for the equipment, asking the recipient to return the equipment within 30 **calendar** days, and

(b) If the Commission does not receive a response, the Commission shall send an invoice to the recipient. If the recipient does not pay the amount billed, the Commission may bill one or all the recipients in the household to either regain possession of the State of Oregon's equipment or receive the full replacement value of such equipment.

(c) When the Commission receives notice that a recipient is deceased, the Commission shall request that the estate return the equipment. The Commission may bill the estate for the cost of replacing the equipment if it has not been returned or is returned in damaged condition.

Stat. Auth: ORS Ch. 183, 756, 759 & Ch. 290, OL 1987

Stats. Implemented: ORS 756.040, 759.030 & Ch. 290, OL 1987

Hist.: PUC 18-1997, f. & ef. 12-17-97 (Order No. 97-489); PUC 12-1999, f. & ef. 11-18-99 (Order No. 99-709)

860-033-0540

Distribution Procedures for Assistive Telecommunication Devices or Adaptive Equipment

(1) Subject to appropriation and approval of expenditures for assistive telecommunication devices or adaptive equipment and services purchased by the Commission, the Commission may contract with any governmental agency or other entity to establish authorized ~~distributors for assistive telecommunication devices or adaptive equipment distributors, a distribution center network an assistive telecommunication devices or adaptive equipment distribution center network, and an~~ **maintenance center network for** assistive telecommunication devices or adaptive equipment ~~maintenance center network~~.

(2) If demand exceeds supply, the Commission will distribute assistive telecommunication devices or adaptive equipment to customers on a first-come first-serve basis.

(3) The authorized distributors shall inform the TDAP in writing of all incoming and outgoing shipping orders of assistive telecommunication devices or adaptive equipment. The written information shall include the serial number they engraved on all assistive telecommunication devices or adaptive equipment.

(4) The assistive telecommunication devices or adaptive equipment distribution centers shall inform the TDAP in writing of all incoming and outgoing shipping of

assistive telecommunication devices or adaptive equipment with the engraved serial numbers.

(5) Upon notice from the TDAP Manager, the distribution centers shall distribute assistive telecommunication devices or adaptive equipment to eligible applicants.

(6) The distribution centers shall require all applicants, including parents and legal guardians, to sign the Conditions of Acceptance Agreement form supplied by the TDAP before they are provided an assistive telecommunication device or adaptive equipment. The distribution centers and maintenance centers shall forward all forms to the TDAP Manager.

(7) If needed, the Commission will contract with an agency or individual(s) to provide training on assistive telecommunication devices or adaptive equipment to specialized populations.

(8) ~~Neither a~~**Authorized** assistive telecommunication devices or adaptive equipment distributors, distribution centers, maintenance centers, ~~nor and~~ the TDAP shall **not** provide replacement paper for the assistive telecommunication device or adaptive equipment, the payment of the recipient's monthly telephone bill, purchase or lease cost of recipient's telephone, ~~or~~ the cost of replacement light bulbs for signal devices **or batteries for the telecommunications equipment.**

~~—(9) The distribution center shall disseminate a copy of telephone rate reduction application forms, mailing forms for purchasing TTY paper, and telephone relay service information handouts.~~

Stat. Auth.: ORS Ch. 183, 756, 759 & Ch. 290, OL 1987

Stats. Implemented: ORS 756.040, 759.030 & Ch. 290, OL 1987

Hist.: PUC 7-1988, f. & cert. ef. 4-6-88 (Order No. 88-339); PUC 18-1989, f. & cert. ef. 12-14-89 (Order No. 89-1602); PUC 3-1992, f. & ef. 2-14-92 (Order No. 92-238); PUC 18-1997, f. & ef. 12-17-97 (Order No. 97-489); PUC 12-1999, f. & ef. 11-18-99 (Order No. 99-709)

860-033-0545

TDAP Compensable Expense

(1) The authorized assistive telecommunication devices or adaptive equipment distributors, distribution centers, maintenance centers, and eligible telecommunications **carriersproviders** shall be compensated from the Residential Services Protection Fund for specific costs incurred as a result of participating in the TDAP. These contracted programs and services shall request compensation by submitting an invoice to the Commission at least quarterly. Funds will be disbursed to these contracted programs or services no more than **2030 calendar** days after a properly filed invoice is received by the Commission:

(a) The eligible telecommunications **carriersproviders** shall be compensated for the costs associated with the verification of service status and notification to the TDAP of service termination ~~under OAR 860-033-0535(7).~~

(b) The authorized assistive telecommunication devices or adaptive equipment distributors will be compensated for coordinating and storing the assistive telecommunication devices or adaptive equipment. Invoices shall indicate all services performed by distributors and the number of the assistive telecommunication devices or

adaptive equipment provided to recipients. Compensable services shall include the cost of assistive telecommunication devices or adaptive equipment with an identification number, shipping costs, storage costs, delivery costs, and other related costs.

(c) The distribution centers will be compensated for the cost of preparing and distributing the assistive telecommunication devices or adaptive equipment, and **for** maintenance services requested by the customers. Invoices shall indicate the number of the assistive telecommunication devices or adaptive equipment units **distributed**, including the engraved **serial numbers on the devices or units**~~identification on either distributing assistive telecommunication devices or adaptive equipment to the recipient or receiving assistive telecommunication devices or adaptive equipment repair orders from the recipient~~. The specific tasks of preparation and services in distributing the assistive telecommunication devices or adaptive equipment shall be subject to written agreement between the Commission and the contracted assistive telecommunication devices or adaptive equipment personnel.

(d) The assistive telecommunication devices or adaptive equipment maintenance centers shall be compensated for repairing the damaged assistive telecommunication devices or adaptive equipment, the storage of extra assistive telecommunication devices or adaptive equipment replacements, and the required insurance for storage. Invoices shall indicate the labor and parts **offor** the damaged assistive telecommunication devices or adaptive equipment, the storage cost, and the insurance premium cost, including assistive telecommunication devices or adaptive equipment identification inventory.

(e) The Commission will determine the rate of compensation based on the cost the distribution center should reasonably incur to accomplish each task.

(2) Based upon accounting procedures established by the Commission, the assistive telecommunication devices or adaptive equipment distributors, distribution centers, and maintenance centers shall maintain accounting records in such a manner that costs associated with TDAP can be separately identified. Their records will be audited by the Commission.

Stat. Auth.: ORS Ch. 183, 756, 759 & Ch. 290, OL 1987
 Stats. Implemented: ORS 756.040, 759.030 & Ch. 290, OL 1987
 Hist.: PUC 7-1988, f. & cert. ef. 4-6-88 (Order No. 88-339); PUC 3-1992, f. & ef. 2-14-92 (Order No. 92-238); PUC 18-1997, f. & ef. 12-17-97 (Order No. 97-489); PUC 12-1999, f. & ef. 11-18-99 (Order No. 99-709)

860-034-0030

Applications for Service from a Small Telecommunications Utility

- (1) An application for **telecommunications** utility service must be made when:
 - (a) Service is requested by a person who has not previously been served by the small telecommunications utility; or
 - (b) Service has been involuntarily discontinued in accordance with these rules, and the person later seeks to have service restored.
- (2) An application for **telecommunications** utility service may be requested when service has been voluntarily discontinued, and a request to restore service has not been made within 20 days.

(3) An application is a request for **telecommunications** utility service. The small telecommunications utility shall not accept an application for service until the applicant:

- (a) Establishes credit as set forth in OAR 860-034-0140; or
- (b) Pays a deposit or deposit installment to the small telecommunications utility.

(3) A small 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 valid state or federal identification containing name and photograph of the person(s) responsible for payment on the account;

(b) 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

(c) 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 small telecommunications utility shall protect the account from access by others through the use of a personalized password or other means acceptable to both the small telecommunications utility and the customer.

(7) A small telecommunications utility shall protect the identity of a customer at risk of domestic violence or other abuse. At its option, the small 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.

Stat. Auth.: ORS Ch. 183, 756 & 759

Stat. Implemented: ORS 759.045

Hist.: PUC 6-1993, f. & ef. 2-19-93 (Order No. 93-185); PUC 12-1998, f. & ef. 5-7-98 (Order No. 98-188); PUC 15-2001, f. & cert. ef. 6-21-01 (Order No. 01-488)

860-034-0090

Interruption of Utility Service

(1) Each small telecommunications utility shall keep a record of any interruption of service affecting its whole system, or a major section thereof, including a statement of the time, duration, and cause of interruption.

(2) Each small telecommunications utility shall make all reasonable efforts to prevent interruptions of service and when such interruptions occur, shall endeavor to reestablish service with the shortest possible delay consistent with the safety of its customers and the general public.

(3) ~~To the extent practical,~~ **Each small telecommunications utility shall make all reasonable efforts to notify every customer affected shall be notified** in advance of any ~~contemplated~~ **scheduled** work ~~which that~~ will ~~result in interruption of~~ **interrupt** service, but such notice shall not be required in case of interruption due to emergency repairs **or for repairs or maintenance work that results in an interruption of less than five minutes. In determining reasonable notice, the small telecommunications utility shall consider the length of the planned interruption, the type and number of customers affected, the potential impact of the interruption on customers, and other surrounding circumstances. Notice may be given in writing, either via US mail or a door hanger on the affected premises, or by contact with the customer or an adult at the residence by personal visit or by telephone.**

Stat. Auth.: ORS Ch. 183, 756 & 759

Stat. Implemented: ORS 759.045

Hist.: PUC 6-1993, f. & ef. 2-19-93 (Order No. 93-185); PUC 12-1998, f. & ef. 5-7-98 (Order No. 98-188); PUC 15-2001, f. & cert. ef. 6-21-01 (Order No. 01-488)

860-034-0095

Annual Fees Payable to the Commission by a Small Telecommunications Utility

(1) On statement forms prescribed by the Commission, each small telecommunications utility shall provide the requested information for the subject year.

(2) Each small telecommunications utility shall pay:

(a) An annual fee in compliance with OARs 860-011-0020 and 860-011-0023.

The annual fee shall be no less than \$100. The payment must be received in the Commission's offices no later than 5 p.m. on the due date.

(b) A late statement fee of \$100, if the Commission has not received the utility's statement form on, **completed in compliance with section (1) of this rule**, or before 5 p.m. on the fifth business day following the due date.

(c) A penalty fee for failure to pay the full amount when due, as required under ORS 756.350 and OAR 860-032-0008(1).

(d) A service fee of \$25 for each payment returned for non-sufficient funds.

(e) All costs incurred by the Commission to collect a past-due annual fee from the utility.

(3) For retail intrastate service rendered on or after January 1, 2000, each small telecommunications utility must:

(a) Collect the annual fee by charging an equitable amount to each retail customer, using apportionment methods that are consistently applied by the utility throughout Oregon; and

(b) Describe the amount of the apportioned charge upon each retail customer's bill.

(4) Each small telecommunications utility shall:

(a) Maintain its records in sufficient detail to readily provide gross retail intrastate revenue from Oregon telecommunications services, as defined in OAR 860-032-0080;

(b) Follow the revenue allocation procedures in OAR 860-032-0090; and

(c) Make its revenue accounting records available to the Commission upon the Commission's request.

(5) For any year in which a small telecommunications utility's statement form was due, the Commission may audit the utility as the Commission deems necessary and practicable:

(a) The Commission's audit must begin no later than three years after the statement form's due date.

(b) If the Commission determines that the utility has underreported its subject revenues, the Commission may assess an additional annual fee, along with a penalty fee for failure to pay under ORS 756.350.

(c) If the Commission determines that the utility has overpaid its annual fee, the Commission shall, at its discretion, recompense the utility with a refund or a credit against annual fees subsequently due.

(6) If the Commission receives a public record request for the confidential information required by this rule, the Commission shall assert that, subject to the limitations of the Public Records Law, the materials are trade secrets and, therefore, exempt from disclosure. The material shall be marked "EXEMPT FROM PUBLIC DISCLOSURE AS TRADE SECRETS."

Stat. Auth.: ORS Ch. 183, 192, 756 & 759

Stats. Implemented: ORS 756.310, 756.320 & 756.350

Hist.: PUC 13-1999, f. & ef. 12-7-99 (Order 99-734); PUC 15-2001, f. & cert. ef. 6-21-01 (Order No. 01-488)

860-034-0097

Estimated Annual Fees Payable to the Commission

(1) For any year in which a small telecommunications utility fails to file a **completed** statement form, the Commission may determine a proposed annual fee based upon any information available to the Commission. The proposed annual fee shall:

- (a) Include a penalty fee for failure to pay as required by ORS 756.350;
- (b) Include a late statement fee of \$100; and
- (c) Be made no later than three (3) years after the statement form's due date.

(2) The Commission shall provide written notice of the proposed annual fee to the small telecommunications utility.

(3) Within 30 days after service of the notice of proposed annual fee, the small telecommunications utility may file a petition with the Commission for a hearing. In its petition, the utility must specify its reasons for disputing the proposed annual fee. The Commission may conduct a hearing on the petition under its rules governing hearings and proceedings.

(4) If the small telecommunications utility does not file a petition within the 30-day period, the proposed annual fee is and payable.

(5) During the 30-day period allowed for filing a petition, the small telecommunications utility may file its **completed** statement form and pay the annual fee, penalties, and late statement fee. The Commission shall accept the statement form, fees, and penalties in accordance with the original due date for that year's statement form and payment.

Stat. Auth.: ORS 183, 192, 756 & 759

Stats. Implemented: ORS 756.040, 756.310, 756.320 & 756.350

Hist.: PUC 8-2003, f. & cert. ef. 4-28-03; PUC 20-2003, f. & cert. ef. 11-14-03

(Order No. 03-630)

860-034-0110

Due and Payable Period

(1) Each small telecommunications utility shall establish procedures to ensure that the **due and payable** period **from the billing transmittal for all current charges, including payment of final bills, to the due date,** is not less than 15 days.

(2) If the bill is delivered by US mail, the due and payable period begins the day after the ~~U~~**SUS** Postal Service postmark or the day after the date of postage metering.

Stat. Auth.: ORS Ch. 183, 756 & 759

Stat. Implemented: ORS 759.045

Hist.: PUC 6-1993, f. & ef. 2-19-93 (Order No. 93-185); PUC 12-1998, f. & ef. 5-7-98 (Order No. 98-188); PUC 4-1999, f. & ef. 8-16-99 (Order No. 99-488); PUC 15-2001, f. & cert. ef. 6-21-01 (Order No. 01-488)

860-034-0140

Establishing Credit for Residential Utility Service

~~———— (1) Mandatory deposit from known credit risks. Except as provided in section (5) of this rule, a small telecommunications utility shall require a deposit from a customer or applicant who:~~

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

~~———— (b) Was previously terminated for theft of utility service by it or any Oregon regulated electric, gas, water, or telecommunications utility or was otherwise found to have diverted electric, gas, water, or telecommunications utility service.~~

~~———— (2) Credit established by prior account in good standing. A small telecommunications utility may not require a deposit from an applicant it served within the preceding 24 months who voluntarily terminated utility service and whose final bill was paid in full by its due date.~~

~~———— (3) Credit established by other means. In all other cases, an applicant may choose whether to submit:~~

~~———— (a) A letter from another telecommunications utility or telecommunications cooperative, on that telecommunications utility's or telecommunications cooperative's official stationery signed by an authorized employee, stating the utility served the named applicant within the preceding 24 months, the applicant voluntarily terminated utility service, and the applicant paid his/her final bill in full by its due date; or~~

~~———— (b) A written surety agreement from a responsible party to secure payment in an amount equal to two months' average usage. For the purpose of this rule, a customer of a small telecommunications utility who has received utility service continuously for the preceding 12 months from the same utility without late payment is a responsible party. The surety obligation ceases when the customer establishes good credit; or~~

~~———— (c) A deposit; or~~

~~———— (d) Positive identification. A customer or applicant provides positive identification by executing a service application which includes the customer's or applicant's name, address, date of birth, and social security number, if any, and is supported by any one of the following:~~

~~———— (A) An Oregon license from Department of Transportation Driver and Motor Vehicle Services Branch or other state identification containing the customer's or applicant's photograph or other identifying information such as name, date of birth, sex, height, color of eyes, and address; or~~

~~———— (B) U.S. passport, certificate of citizenship or naturalization, Immigration and Naturalization Service temporary resident card, employment authorization card, or equivalent identification, with photograph; or~~

~~———— (C) A combination of:~~

~~———— (i) Birth certificate or social security card;~~

~~—— (ii) Current identification from school, employment, Department of Human Resources Adult and Family Services Division, or other State of Oregon assistance program; and~~

~~—— (iii) With the name, address, and telephone number of a person who can verify the customer's or applicant's identity as shown, such as a teacher, employer, or caseworker.~~

~~—— (4) Except as provided in section (5) of this rule, a deposit required under these rules will be based upon two months' average or estimated usage of the small telecommunications utility's tariff and price listed services.~~

~~—— (5) For utility service applicants who are eligible for OTAP funding and who voluntarily elect to receive toll-blocked service, no deposit may be charged. A small telecommunications utility shall make toll blocking available at no charge to all applicants identified in rule.~~

~~—— (6) Any additional or subsequent deposit required shall be calculated as provided by section (4) of this rule using the most recent information available. Such deposits may be required as a condition of continued utility service:~~

~~—— (a) If service records indicate unbilled intraLATA toll activity greater than the basis of the prior deposit;~~

~~—— (b) When a customer who established credit by providing "positive identification" under these rules, the customer gave false information to establish identity.~~

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

~~—— (8) A small telecommunications utility may file a tariff that contains less stringent deposit requirements than those specified in this rule.~~

(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 telecommunications utility service during the preceding 24 months and the small telecommunications utility can verify, either by contacting the former utility or through an authorized letter provided by the applicant or customer, that the applicant or customer voluntarily terminated service and timely paid for all services rendered;

(b) Meets the small telecommunications utility's minimum credit requirements based on a third party credit report score or based on the utility's own credit scoring formula approved by the Commission; 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 small telecommunications utility to verify employment; or

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

(2) An applicant or 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 telecommunications utility or telecommunications cooperative, as defined in

ORS 759.005, within the preceding 24 months and owed an account balance that was not paid in full when service was terminated. Subsection (2)(b) of this rule 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 telecommunications utility or telecommunications cooperative as defined in

ORS 759.005, was found to have tampered with other telecommunications utility facilities, or was otherwise found to have diverted telecommunications utility service.

(3) In lieu of paying a deposit, an applicant or customer may provide the small telecommunications utility a written surety agreement from a responsible party to secure payment in an amount equal to two months' average usage. For purposes of section (3) of this rule, a responsible party is a customer with the same utility who meets one of the qualifying conditions outlined in section (1) of this rule. The surety agreement 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.

(4) Deposits for telecommunications service 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 small telecommunications utility shall make toll blocking available at no charge to all applicants identified in OAR 860-033-0030.

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

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

(b) The small 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; or

(c) If service records for the customer indicates unbilled intraLATA toll activity under the small telecommunications utility's tariff and price list is greater

than the basis of the prior deposit.

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

(7) A small telecommunications utility may file a tariff that contains less stringent deposit requirements than those specified in this rule.

Stat. Auth.: ORS Ch. 183, 756, 759 & Ch. 290, OL 1987

Stats. Implemented: ORS 759.045 & Ch. 290, OL 1987

Hist.: PUC 6-1993, f. & ef. 2-19-93 (Order No. 93-185); PUC 17-1997 (Temp), f. 12-11-97, ef. 1-1-98 (Order No. 97-469); PUC 5-1998, f. & cert. ef. 3-13-98 (Order No. 98-058); PUC 15-2001, f. & cert. ef. 6-21-01 (Order No. 01-488)

860-034-0160

Interest on Deposits for Residential and Nonresidential Utility Service

(1) ~~Unless otherwise specified by the Commission, customer deposits shall accrue interest at a rate based upon~~ **Each year, the Commission shall establish an annual interest rate that must be paid on customer deposits. The Commission will base the rate upon consideration of** the effective interest rate for new issues of one-year Treasury Bills issued during the last week of October, **the interest rate on the most recent issuance of one-year Treasury Bills, or the effective interest rate for the average yield of Treasury Bills of the closest term issued during the last week of October.** This interest rate, rounded to the nearest **one-half of one** percent, shall apply to deposits held during January 1 through December 31 of the subsequent year. The Commission will advise all small telecommunications utilities of the changes in the rate to be paid on customer deposits held as needed.

(2) Upon payment of a deposit, the small telecommunications utility shall ~~furnish~~ **provide the customer documentation receipt** showing the date, name of the applicant or customer, the service address, the amount of deposit, a statement that the deposit will accrue interest at the rate prescribed by the Commission, and an explanation of the conditions under which the deposit will be refunded.

(3) If the deposit is held beyond one year, accrued interest will be paid by a credit to the customer's account. If held less than one year, interest will be prorated. A small telecommunications utility shall keep a detailed record of each deposit received until the deposit is credited or refunded.

Stat. Auth.: ORS Ch. 183, 756, 759 & Ch. 290, OL 1987

Stats. Implemented: ORS 759.045 & Ch. 290, OL 1987

Hist.: PUC 6-1993, f. & ef. 2-19-93 (Order No. 93-185); PUC 12-1997, f. & ef. 10-30-97 (Order No. 97-413); PUC 15-2001, f. & cert. ef. 6-21-01 (Order No. 01-488)

860-036-0035

Applications for Water Utility Service

(1) An application for water utility service must be made when:

(a) Service is requested by an applicant who has not previously been served by the water utility;

(b) Service has been involuntarily discontinued in accordance with these rules and the customer or applicant 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 water utility service. The water utility shall not accept an application for service until the applicant establishes credit as set forth in OAR 860-036-0040. However, the water utility may refuse a service application under OAR 860-036-0080.

(3) A water 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 valid state or federal identification containing name and photograph of the person(s) responsible for payment on the account;

(b) 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

(c) 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 water utility shall protect the account from access by others through the use of a personalized password or other means acceptable to both the water utility and the customer.

Stat. Auth.: ORS Ch. 183, 756 & 757

Stat. Implemented: ORS 756.040

Hist.: PUC 13-1997, f. & ef. 11-12-97 (Order No. 97-434); PUC 15-1998, f. & ef. 8-27-98 (Order No. 98-359)

860-036-0040

Establishing Credit for Residential Service

~~(1) A water utility may require a deposit from a customer or applicant who:~~

~~—— (a) Received service from it or any Oregon regulated water utility within the preceding 24 months and, at the time service was terminated, owed an account balance that was not paid according to its terms. This section does not apply to customers who registered a dispute with the Commission within 60 days after service terminated and who promptly paid all undisputed or adjudicated amounts; or~~

~~—— (b) Was previously terminated for theft of service by it or any Oregon regulated utility or was otherwise found to have diverted utility service.~~

~~—— (2) A water utility shall not require a deposit from an applicant it served within the preceding 24-month period who voluntarily terminated service and whose final bill was paid in full by its due date.~~

~~—— (3) In all other cases, a customer or applicant may choose whether to submit one of the following:~~

~~—— (a) A letter from another water utility on that utility's official stationery and signed by an authorized employee stating that it served the named applicant within the preceding 24 months for water service, that the applicant voluntarily terminated service and paid his/her final bill in full by its due date; or~~

~~—— (b) A written surety agreement from a responsible party to secure payment in an amount equal to two month's average usage. For the purpose of this rule, a water utility customer who has received service continuously for the preceding 12 months from the same water utility company without late payment is considered a responsible party. The obligation of the surety ceases when the customer establishes good credit; or~~

~~—— (c) A customer or applicant provides a deposit and positive identification by providing the customer's or applicant's name, address, date of birth, social security number, if any, and is supported by any one of the following:~~

~~—— (A) An Oregon license from the Department of Transportation, Driver and Motor Vehicle Service Branch, or other state identification containing a photograph of the customer or applicant or other identifying information such as name, date of birth, sex, height, color of eyes, and address; or~~

~~—— (B) U.S. passport, certificate of citizenship or naturalization, Immigration and Naturalization Service temporary resident card, employment authorization card, or equivalent identification, with photograph; or~~

~~—— (c) A combination of one from each of the following groups:~~

~~—— (i) Birth certificate or social security card; and~~

~~—— (ii) Current identification from school, employment, Adult and Family Services Division, or other State of Oregon assistance program; and~~

~~—— (iii) The name, address, and telephone number of a person who can verify the customer's or applicant's identity as shown, such as a teacher, employer, or caseworker.~~

~~—— (4) A deposit required under these rules shall not exceed one-sixth the amount of reasonable estimated billing for one year at rates then in effect. This~~

~~estimate shall be based upon the use of service at the premises during the prior year or upon the type and size of the customer's equipment that will use the service.~~

~~———— (5) Any additional or subsequent deposit required shall be calculated as provided for by section (4) of this rule using the most recent information available.~~

~~Such deposits may be required as a condition of continued service:~~

~~———— (a) If the customer moves and the anticipated bill at the new residence will be at least 20 percent greater than that upon which the prior deposit was based; or~~

~~———— (b) In the case of a customer who established credit by providing "positive identification" under these rules, the customer gave false information to establish identify.~~

~~———— (6) Paying a deposit does not excuse a customer or applicant from complying with the water utility's tariffs, statement of rates, or other regulations, such as the obligation to promptly pay bills.~~

~~———— (7) A water utility may require less stringent deposit requirements than those specified in this section provided the requirements used by the water utility are nondiscriminatory.~~

(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 water utility service during the preceding 24 months and the water utility can verify, either by contacting the former water utility or through an authorized letter provided by the applicant or customer, that the applicant or customer voluntarily terminated service and timely paid for all services rendered;

(b) Meets the water utility's minimum credit requirements based on a third party credit report score or based on the water utility's own credit scoring formula approved by the Commission; 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 water utility to verify employment; or

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

(2) An applicant or 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 water utility service from it or any Oregon water utility, as defined in ORS 757.005, within the preceding 24 months and owed an account balance that was not paid in full when service was terminated. Subsection (2)(b) of this rule 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 water utility as defined in ORS 757.005, was found to have tampered

with the meter or other water utility facilities, or was otherwise found to have diverted water utility service.

(3) In lieu of paying a deposit, an applicant or customer may provide the water utility a written surety agreement from a responsible party to secure payment in an amount equal to two months' average usage. For purposes of section (3) of this rule, a responsible party is a customer with the same water utility who meets one of the qualifying conditions outlined in section (1) of this rule. The surety agreement 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.

(4) Deposits for water utility service shall not exceed one-sixth the amount of reasonable billing for one year at the rates then in effect. The estimate shall be based on the use of the service at the premises during the prior year or on the type and size of the customer's equipment that will use the service. Each deposit shall be rounded to the nearest whole dollar.

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

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

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

(c) 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.

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

(7) A water utility may file a tariff that contains less stringent deposit requirements than those specified in this rule.

Stat. Auth.: ORS Ch. 183, 756 & 757

Stat. Implemented: ORS 756.040

Hist.: PUC 13-1997, f. & ef. 11-12-97 (Order No. 97-434); PUC 9-1999 (Temp), f. 10-22-99 & ef. 10-23-99 (Order No. 99-650; PUC 6-2000, f. 4-18-00 & ef. 4-20-00 (Order No. 00-194)

860-036-0050

Interest on Deposits for Residential and Nonresidential Service

(1) ~~Unless otherwise specified by the Commission, customer deposits shall accrue interest at a rate based upon~~ Each year, the Commission shall establish an annual interest rate that must be paid on customer deposits. The Commission will base the rate upon consideration of the effective interest rate for new issues of one-year Treasury Bills issued during the last week of October, the interest rate on the most

recent issuance of one-year Treasury Bills, or the effective interest rate for the average yield of Treasury Bills of the closest term issued during the last week of October. This interest rate, rounded to the nearest **one-half of one** percent, shall apply to deposits held during January 1 through December 31 of the subsequent year. The Commission will advise all water utilities of the changes in the rate to be paid on customer deposits held as needed.

(2) ~~The water utility shall furnish, u~~Upon payment of a deposit, **the water utility shall provide the customer documentationa receipt** showing the date, name of the customer or applicant, the service address, the amount of deposit, a statement that the deposit will accrue interest at the rate prescribed by the Commission, and an explanation of the conditions under which the deposit will be refunded.

(3) If the deposit is held beyond one year, accrued interest will be paid by a credit to the customer's account. If held less than one year, interest will be prorated. A water utility shall keep a detailed record of each deposit received until the deposit is credited or refunded.

Stat. Auth.: ORS Ch. 183, 756 & 757

Stat. Implemented: ORS 756.040

Hist.: PUC 13-1997, f. & ef. 11-12-97 (Order No. 97-434)

860-036-0075

Interruption of Service

(1) A water utility shall keep a record of any interruption of service affecting its whole system, or a major section thereof, including a statement of the time, duration, and cause of interruption.

(2) A water utility shall make all reasonable efforts to prevent interruptions of service. When such interruptions occur, the water utility shall endeavor to reestablish service with the shortest possible delay consistent with the safety of its customers and the general public.

(3) ~~To the extent practical, Each water utility shall make all reasonable efforts to notify every customer affected shall be notified~~in advance of any ~~contemplated scheduled~~ work ~~which that~~ will interrupt service, but such notice shall not be required in case of interruption due to emergency repairs **or for repairs or maintenance work that results in an interruption of less than five minutes. In determining reasonable notice, the water utility shall consider the length of the planned interruption, the type and number of customers affected, the potential impact of the interruption on customers, and other surrounding circumstances. Notice may be given in writing, either via US mail or a door hanger on the affected premises, or by contact with the customer or an adult at the residence by personal visit or by telephone. Whenever possible, scheduled interruptions shall be at such hours as will provide least inconvenience to the customer.**

Stat. Auth.: ORS Ch. 183, 756 & 757

Stat. Implemented: ORS 756.040

Hist.: PUC 13-1997, f. & ef. 11-12-97 (Order No. 97-434); PUC 15-1998, f. & ef. 8-27-98 (Order No. 98-359); PUC 8-2002, f. & ef. 2-26-2002 (Order No. 02-116)

860-036-0095

Annual Fees Payable to the Commission by a Water Utility

- (1) On statement forms prescribed by the Commission, each water utility shall provide the requested information for the subject year.
- (2) The annual fee payment must be received by the Commission no later than 5 p.m. on the due date.
- (3) Each water utility shall pay:
 - (a) An annual fee in compliance with OARs 860-011-0020 and 860-011-0024.
 - (b) A minimum annual fee of \$10.
 - (c) A late statement fee of \$100, if the Commission has not received the utility's statement form, **completed in compliance with section (1) of this rule**, on or before 5 p.m. on the fifth business day following the due date.
 - (d) A penalty fee for failure to pay the full amount when due, as required under ORS 756.350.
 - (e) A service fee of \$25 for each payment returned for non-sufficient funds.
 - (f) All costs incurred by the Commission to collect a past-due annual fee from the utility.
- (4) For any year in which a water utility's statement form was due, the Commission may audit the utility as the Commission deems necessary and practicable:
 - (a) The Commission's audit must begin no later than three (3) years after the statement form's due date.
 - (b) If the Commission determines that the utility has underreported its subject revenues, the Commission may assess an additional annual fee, along with a penalty fee for failure to pay under ORS 756.350.
 - (c) If the Commission determines that the utility has overpaid its annual fee, the Commission shall, at its discretion, recompense the utility with a refund or a credit against annual fees subsequently due.

Stat. Auth.: ORS Ch. 183 & 756

Stats. Implemented: ORS 756.310, 756.320 & 756.350

Hist.: PUC 11-99, f. 11-18-99 (Order No. 99-708)

860-036-0097

Estimated Annual Fees Payable to the Commission by a Water Utility

- (1) For any year in which a water utility fails to file a **completed** statement form, the Commission may determine a proposed annual fee based upon any information available to the Commission. The proposed annual fee shall:
 - (a) Include a penalty fee for failure to pay as required by ORS 756.350;
 - (b) Include a late statement fee of \$100; and
 - (c) Be made no later than three (3) years after the statement form's due date.
- (2) The Commission shall provide written notice of the proposed annual fee to the water utility.

(3) Within 30 days after service of the notice of proposed annual fee, the water utility may file a petition with the Commission for a hearing. In its petition, the utility must specify its reasons for disputing the proposed annual fee. The Commission may conduct a hearing on the petition under its rules governing hearings and proceedings.

(4) If the water utility has not filed a petition by the end of the 30-day period, the Commission shall enter an order based upon information in its files. The Commission's order is final upon service, and the ordered assessment is due and payable on the tenth day after the order becomes final.

(5) During the 30-day period allowed for filing a petition, the water utility may file its **completed** statement form and pay the annual fee, penalties, and late statement fee. The Commission shall accept the statement form, fees, and penalties in accordance with the original due date for that year's statement form and payment.

Stat. Auth.: ORS 183, 192, 756 & 757

Stats. Implemented: ORS 756.040, 756.310, 756.320 & 756.350

Hist.: PUC 15-2003, f. & cert. ef. 7-24-03; PUC 20-2003, f. & cert. ef. 11-14-03
(Order No. 03-630)

860-036-0115

Customer Requested Meter Test

(1) Any customer may ask the water utility to test the water meter used to measure the customer's service. The water utility shall make such test within 20 working days of the request at no cost to the customer. If a customer requests more than one meter test within any 12-month period, the water utility may ~~require a deposit from~~charge the customer to recover the reasonable cost of the test. The water utility ~~must return the deposit and~~ may not charge the customer ~~for a subsequent meter test when~~if the meter is found to register outside the 2 percent accepted tolerance standard under normal operating conditions.

(2) A customer or a designated representative shall have the right to be present at any meter test. The test shall be conducted at a mutually acceptable time during regular business hours.

(3) The water utility must provide a written report to the customer within 10 working days from the date the meter test showing the customer's name, the request date, the address where the meter is installed, the meter's identification number, the date tested, and the test result.

Stat. Auth.: ORS Ch. 183, 756 & 757

Stat. Implemented: ORS 756.040

Hist.: PUC 13-1997, f. & ef. 11-12-97 (Order No. 97-434); PUC 15-1998, f. & ef. 8-27-98 (Order No. 98-359); PUC 8-2002, f. & ef. 2-26-2002 (Order No. 02-116)

860-036-0125

Due and Payable Period; Time-Payment Agreements for Residential Service

(1) Each water utility shall establish procedures to ensure that the period from the billing transmittal for all current charges, including payment of the final bill, to the due date is not less than 15 days ~~for all customers.~~ If the bill is delivered by US mail,

the due and payable period begins the day after the US Postal Service postmark or the day after the date of postage metering.

(2) A water utility may not disconnect residential service for non-payment if a customer enters into a written time-payment plan. A water utility will offer customers a choice of payment agreements. At a minimum, the customer may choose between a levelized-payment plan and an equal-pay arrearage plan.

(3) A customer who selects a levelized-payment plan will pay a down payment equal to the average annual bill including the account balance, divided by 12, and a like payment each month for 11 months thereafter:

(a) The monthly installment plan shall be reviewed by the water utility periodically. If necessary, due to changing rates or variations in the amount of service used by the customer, the installment amount may be adjusted in order to bring the account into balance within the time period specified in the original agreement.

(b) If a customer changes service address at any time during the period of a time-payment agreement, provided that payments are then current and the customer pays other scheduled or tariffed charges associated with the change in residence, the water utility shall recalculate the customer's deposit or monthly installment. The recalculated amount shall reflect the balance of the account at the previous service address and the average annual bill at the new service address for the months remaining in the original time-payment agreement. When installments on a time-payment agreement have not been kept current, a customer shall be required to pay all past-due installments, together with any other applicable charges before service is provided at the new residence.

(4) A customer who selects an equal-pay arrearage plan will pay a down payment equal to 1/12 the amount owed for past water utility service (including the overdue amount and any amounts owed for a current bill or a bill being prepared but not yet delivered to the customer). Each month, for the next 11 months, an amount equal to the down payment will be added to, and payable with, the current charges due for **water** utility service. If a customer changes service address at any time during the period of an equal-pay arrearage plan, the plan continues. However, the customer must pay any past-due charges and all other applicable charges before the water utility provides service at the new address.

(5) The water utility and customer may agree in writing to an alternate payment arrangement, provided the water utility first informs the customer of the availability of the payment terms set forth in sections (3) and (4) of this rule.

(6) If a customer fails to abide by the time-payment agreement, the water utility may disconnect service after serving a 15-day disconnect notice. The notice shall comply with OAR 860-036-0245, except that subsection (5)(d) shall not be applicable. Such customers shall not be eligible for a renewal or renegotiation of a time-payment plan.

Stat. Auth.: ORS Ch. 183, 756 & 757

Stat. Implemented: ORS 756.040

Hist.: PUC 13-1997, f. & ef. 11-12-97 (Order No. 97-434)

860-037-0030

Applications for Water/Wastewater Utility Service

(1) An application for water/wastewater utility service must be made when:

(a) Service is requested by an applicant who has not previously been served by the water/wastewater utility;

(b) Service has been involuntarily discontinued in accordance with these rules and the customer or applicant 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 water/wastewater utility service. The water/wastewater utility shall not accept an application for service until the applicant establishes credit as set forth in OAR 860-037-0035. However, the water/wastewater utility may refuse a service application under OAR 860-037-0075.

(3) A water/wastewater 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 valid state or federal identification containing name and photograph of the person(s) responsible for payment on the account;

(b) 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

(c) 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 water/wastewater utility shall protect the account from access by others through the use of a personalized password or other means acceptable to both the water/wastewater utility and the customer.

Stat. Auth.: ORS Ch. 183, 756 & 757
Stats. Implemented: ORS 756.040, 757.005 & 757.061
Hist.: PUC 9-1999 (Temp), f. 10-22-99 & ef 10-23-99 (Order No. 99-650); PUC
6-2000, f. 4-18-00 & ef. 4-20-00 (Order No. 00-194)

860-037-0035

Establishing Credit for Residential Service

~~(1) A water/wastewater utility may require a deposit from a customer or applicant who:~~

~~—— (a) Received service from it or any Oregon regulated water/wastewater utility within the preceding 24 months and, at the time service was terminated, owed an account balance that was not paid according to its terms. This section does not apply to customers who registered a dispute with the Commission within 60 days after service terminated and who promptly paid all undisputed or adjudicated amounts; or~~

~~—— (b) Was previously terminated by it or any Oregon regulated utility for theft of service or was otherwise found to have diverted utility service.~~

~~—— (2) A water/wastewater utility shall not require a deposit from an applicant it served within the preceding 24-month period who voluntarily terminated service and whose final bill was paid in full by its due date.~~

~~—— (3) In all other cases, a customer or applicant may choose whether to submit one of the following:~~

~~—— (a) A letter from another water/wastewater utility on that utility's official stationery and signed by an authorized employee stating that it served the named applicant within the preceding 24 months for water/wastewater service, that the applicant voluntarily terminated service and paid his/her final bill in full by its due date; or~~

~~—— (b) A written surety agreement from a responsible party to secure payment in an amount equal to two month's average usage. For the purpose of this rule, a water/wastewater utility customer who has received service continuously for the preceding 12 months from the same water/wastewater utility company without a late payment is considered a responsible party. The obligation of the surety ceases when the customer establishes good credit; or~~

~~—— (c) A customer or applicant provides a deposit and positive identification by providing the customer's or applicant's name, address, date of birth, social security number, if any, and is supported by any one of the following:~~

~~—— (A) An Oregon license from the Department of Transportation, Driver and Motor Vehicle Service Branch, or other state identification containing a photograph of the customer or applicant or other identifying information such as name, date of birth, sex, height, color of eyes, and address; or~~

~~—— (B) U.S. passport, certificate of citizenship or naturalization, Immigration and Naturalization Service temporary resident card, employment authorization card, or equivalent identification, with photograph; or a combination of one from each of the following groups:~~

~~—— (i) Birth certificate or social security card; and~~

~~—— (ii) Current identification from school, employment, Adult and Family Services Division, or other State of Oregon assistance program; and~~
~~—— (iii) The name, address, and telephone number of a person who can verify the customer's or applicant's identity as shown, such as a teacher, employer, or caseworker.~~

~~—— (4) A deposit required under these rules shall not exceed one-sixth of the amount of a reasonable estimated billing for one year at rates then in effect. This estimate shall be based upon the use of service at the premises during the prior year or upon the type and size of the customer's equipment that will use the service.~~

~~—— (5) Any additional or subsequent deposit required shall be calculated as provided for by section (4) of this rule using the most recent information available. Such deposits may be required as a condition of continued service:~~

~~—— (a) If the customer moves and the anticipated bill at the new residence will be at least 20 percent greater than that upon which the prior deposit was based; or~~

~~—— (b) In the case of a customer who established credit by providing "positive identification" under these rules, the customer gave false information to establish identify.~~

~~—— (6) Paying a deposit does not excuse a customer or applicant from complying with the water/wastewater utility's tariffs, rules and regulations, such as the obligation to promptly pay bills.~~

~~—— (7) A water/wastewater utility may require less stringent deposit requirements than those specified in this section provided the requirements used by the water/wastewater utility are nondiscriminatory.~~

(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 water/wastewater utility service type during the preceding 24 months and the new water/wastewater utility can verify, either by contacting the former water/wastewater utility or through an authorized letter provided by the applicant or customer, that the applicant or customer voluntarily terminated service and timely paid for all services rendered;

(b) Meets the water/wastewater utility's minimum credit requirements based on a third party credit report score or based on the water/wastewater utility's own credit scoring formula approved by the Commission; 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 water/wastewater utility to verify employment; or

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

(2) An applicant or 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 water/wastewater utility service from it or any Oregon water/wastewater utility, as defined in ORS 757.005, within the preceding 24 months and owed an account balance that was not paid in full when service was terminated. Subsection (2)(b) of this rule 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 water/wastewater utility as defined in ORS 757.005, was found to have tampered with the meter or other water/wastewater utility facilities, or was otherwise found to have diverted water/wastewater utility service.

(3) In lieu of paying a deposit, an applicant or customer may provide the water/wastewater utility a written surety agreement from a responsible party to secure payment in an amount equal to two months' average usage. For purposes of section (3) of this rule, a responsible party is a customer with the same water/wastewater utility who meets one of the qualifying conditions outlined in section (1) of this rule. The surety agreement 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.

(4) Deposits for water/wastewater utility service shall not exceed one-sixth the amount of reasonable billing for 12 months at the rates then in effect. The estimate shall be based on the use of the service at the premises during the prior 12 months or on the type and size of the customer's equipment that will use the service. Each deposit shall be rounded to the nearest whole dollar.

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

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

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

(c) 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.

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

(7) A water/wastewater utility may file a tariff that contains less stringent deposit requirements than those specified in this rule.

Stat. Auth.: ORS Ch. 183, 756 & 757

Stats. Implemented: ORS 756.040, 757.005 & 757.061

Hist.: PUC 9-1999 (Temp), f. 10-22-99 & ef 10-23-99 (Order No. 99-650); PUC 6-2000, f. 4-18-00 & ef. 4-20-00 (Order No. 00-194)

860-037-0045

Interest on Deposits for Residential and Nonresidential Service

(1) ~~Unless otherwise specified by the Commission, customer deposits shall accrue interest at a rate based upon~~ **Each year, the Commission shall establish an annual interest rate that must be paid on customer deposits. The Commission will base the rate upon consideration of** the effective interest rate for new issues of one-year Treasury Bills issued during the last week of October, **the interest rate on the most recent issuance of one-year Treasury Bills, or the effective interest rate for the average yield of Treasury Bills of the closest term issued during the last week of October.** This interest rate, rounded to the nearest **one-half of one** percent, shall apply to deposits held during January 1 through December 31 of the subsequent year. The Commission will advise water/wastewater utilities of the changes in the rate to be paid on customer deposits held as needed.

(2) ~~The water/wastewater utility shall furnish, u~~ **Upon payment of a deposit, the water/wastewater utility shall provide the customer documentationa receipt** showing the date, name of the customer or applicant, the service address, the amount of deposit, a statement that the deposit will accrue interest at the rate prescribed by the Commission, and an explanation of the conditions under which the deposit will be refunded.

(3) If the deposit is held beyond one year, accrued interest will be paid by a credit to the customer's account. If held less than one year, interest will be prorated. A water/wastewater utility shall keep a detailed record of each deposit received until the deposit is credited or refunded.

Stat. Auth.: ORS Ch. 183, 756 & 757

Stats. Implemented: ORS 756.040, 757.005 & 757.061

Hist.: PUC 9-1999 (Temp), f. 10-22-99 & ef 10-23-99 (Order No. 99-650); PUC 6-2000, f. 4-18-00 & ef. 4-20-00 (Order No. 00-194)

860-037-0070

Interruption of Service

(1) A water/wastewater utility shall keep a record of any interruption of service affecting its whole system, or a major section thereof, including a statement of the date, time, duration, and cause of interruption, remedy, and steps taken to prevent reoccurrence.

(2) A water/wastewater utility shall make all reasonable efforts to prevent interruptions of service. When such interruptions occur, the water/wastewater utility shall endeavor to reestablish service with the shortest possible delay consistent with the safety of its customers and the general public.

(3) ~~To the extent practical,~~ **Each water/wastewater utility shall make all reasonable efforts to notify** every customer affected ~~shall be notified~~ in advance of any ~~contemplated~~ **scheduled** work ~~which that~~ will interrupt service, but such notice shall not be required in case of interruption due to emergency

repairs or for repairs or maintenance work that results in an interruption of less than five minutes. In determining reasonable notice, the water/wastewater utility shall consider the length of the planned interruption, the type and number of customers affected, the potential impact of the interruption on customers, and other surrounding circumstances. Notice may be given in writing, either via US mail or a door hanger on the affected premises, or by contact with the customer or an adult at the residence by personal visit or by telephone. Whenever possible, scheduled interruptions shall be at such hours as will provide least inconvenience to the customer.

Stat. Auth.: ORS Ch. 183, 756 & 757

Stats. Implemented: ORS 756.040, 757.005 & 757.061

Hist.: PUC 9-1999 (Temp), f. 10-22-99 & ef 10-23-99 (Order No. 99-650); PUC 6-2000, f. 4-18-00 & ef. 4-20-00 (Order No. 00-194)

860-037-0095

Annual Fees Payable to the Commission by a Wastewater Utility

(1) On statement forms prescribed by the Commission, each wastewater utility shall provide the requested information for the subject year.

(2) The annual fee payment must be received by the Commission no later than 5 p.m. on the due date.

(3) Each wastewater utility shall pay:

(a) An annual fee in compliance with OARs 860-011-0020 and 860-011-0024.

(b) A minimum annual fee of \$10. The payment must be received by the Commission no later than 5 p.m. on the due date.

(c) A late statement fee of \$100, if the Commission has not received the utility's statement form, **completed in compliance with section (1) of this rule**, on or before 5 p.m. on the fifth business day following the due date.

(d) A penalty fee for failure to pay the full amount when due, as required under ORS 756.350.

(e) A service fee of \$25 for each payment returned for non-sufficient funds.

(f) All costs incurred by the Commission to collect a past-due annual fee from the utility.

(4) For any year in which a wastewater utility's statement form was due, the Commission may audit the utility as the Commission deems necessary and practicable:

(a) The Commission's audit must begin no later than three (3) years after the statement form's due date.

(b) If the Commission determines that the utility has underreported its subject revenues, the Commission may assess an additional annual fee, along with a penalty fee for failure to pay under ORS 756.350.

(c) If the Commission determines that the utility has overpaid its annual fee, the Commission shall, at its discretion, recompense the utility with a refund or a credit against annual fees subsequently due.

Stat. Auth.: ORS Ch. 183 & 756

Stats. Implemented: ORS 756.310, 756.320 & 756.350
Hist.: PUC 14-2000, f. & ef. 8-23-00 (Order No. 00-458)

860-037-0097

Estimated Annual Fees Payable to the Commission by a Wastewater Utility

(1) For any year in which a wastewater utility fails to file a **completed** statement form, the Commission may determine a proposed annual fee based upon any information available to the Commission. The proposed annual fee shall:

- (a) Include a penalty fee for failure to pay as required by ORS 756.350;
- (b) Include a late statement fee of \$100; and
- (c) Be made no later than three (3) years after the statement form's due date.

(2) The Commission shall provide written notice of the proposed annual fee to the wastewater utility.

(3) Within 30 days after service of the notice of proposed annual fee, the wastewater utility may file a petition with the Commission for a hearing. In its petition, the utility must specify its reasons for disputing the proposed annual fee. The Commission may conduct a hearing on the petition under its rules governing hearings and proceedings.

(4) If the wastewater utility has not filed a petition by the end of the 30-day period, the Commission shall enter an order based upon information in its files. The Commission's order is final upon service, and the ordered assessment is due and payable on the tenth day after the order becomes final.

(5) During the 30-day period allowed for filing a petition, the wastewater utility may file its **completed** statement form and pay the annual fee, penalties, and late statement fee. The Commission shall accept the statement form, fees, and penalties in accordance with the original due date for that year's statement form and payment.

Stat. Auth.: ORS 183, 192, 756 & 757

Stats. Implemented: ORS 756.040, 756.310, 756.320 & 756.350

Hist.: PUC 15-2003, f. & cert. ef. 7-24-03; PUC 20-2003, f. & cert. ef. 11-14-03
(Order No. 03-630)

860-037-0110

Due and Payable Period; Time-Payment Agreements for Residential Service

(1) Each water/wastewater utility shall establish procedures to ensure that the period from **the** billing transmittal **for all current charges, including payment of the final bill,** to **the** due date is not less than 15 days ~~for all customers~~. **If the bill is delivered by US mail, the due and payable period begins the day after the US Postal Service postmark or the day after the date of postage metering.**

(2) A water/wastewater utility may not disconnect residential water service for nonpayment of wastewater service charges if a customer enters into a written time-payment plan. A water/wastewater utility will offer customers a choice of payment agreements. At a minimum, the customer may choose between a levelized-payment plan and an equal-pay arrearage plan.

(3) A customer who selects a levelized-payment plan will pay a down payment equal to the average annual bill including the account balance, divided by 12, and a like payment each month for 11 months thereafter:

(a) The monthly installment plan shall be reviewed by the water/wastewater utility periodically. If necessary, due to changing rates or variations, the installment amount may be adjusted in order to bring the account into balance within the time period specified in the original agreement;

(b) If a customer changes his/her service address at any time during the period of a time-payment agreement, provided that payments are then current and the customer pays other scheduled or tariffed charges associated with the change in residence, the water/wastewater utility shall recalculate the customer's deposit or monthly installment. The recalculated amount shall reflect the balance of the account at the previous service address and the average annual bill at the new service address for the months remaining in the original time-payment agreement. When installments on a time-payment agreement have not been kept current, a customer shall be required to pay all past-due installments, together with any other applicable charges before service is provided at the new residence.

(4) A customer who selects an equal-pay arrearage plan will pay a down payment equal to 1/12 the amount owed for past water/wastewater utility service (including the overdue amount and any amounts owed for a current bill or a bill being prepared but not yet delivered to the customer). Each month, for the next 11 months, an amount equal to the down payment will be added to, and payable with, the current charges due for wastewater service. If a customer changes his/her service address at any time during the period of an equal-pay arrearage plan, the plan continues. However, the customer must pay any past-due charges and all other applicable charges before the water/wastewater utility provides service at the new address.

(5) The water/wastewater utility and customer may agree in writing to an alternate payment arrangement, provided the water/wastewater utility first informs the customer of the availability of the payment terms set forth in sections (3) and (4) of this rule.

(6) If a customer fails to abide by the wastewater time-payment agreement, the water/wastewater utility may disconnect water service after serving a 15-day disconnect notice. The notice shall comply with OAR 860-037-0245, except that subsection (5)(d) shall not be applicable. Such customers shall not be eligible for a renewal or renegotiation of a time-payment plan.

Stat. Auth.: ORS Ch. 183, 756 & 757

Stats. Implemented: ORS 756.040, 757.005 & 757.061

Hist.: PUC 9-1999 (Temp), f. 10-22-99 & ef 10-23-99 (Order No. 99-650); PUC 6-2000, f. 4-18-00 & ef. 4-20-00 (Order No. 00-194)