

**PUBLIC UTILITY COMMISSION OF OREGON
STAFF REPORT
PUBLIC MEETING DATE: June 15, 2001**

REGULAR AGENDA CONSENT AGENDA X EFFECTIVE DATE Upon Filing with
Secretary of State

DATE: June 4, 2001

TO: Phil Nyegaard

FROM: Renee Sloan through Judy Johnson, Lee Sparling, and Ed Busch

SUBJECT: AR 407 – Update to Rules to Reflect Most Current Code of Federal
Regulations

SUMMARY RECOMMENDATION:

Adopt Staff's proposed revisions in AR 407.

DISCUSSION:

The Commission opened this rulemaking proceeding on April 3, 2001, to revise rules for electric, natural gas, and steam heat utilities. The attached changes update references to the Code of Federal Regulations (CFR) to the most current edition, April 1, 2001.

The Commission filed a Notice of the Proposed Rulemaking with the Secretary of State on April 3, 2001, and it was published in the May 2001 *Oregon Bulletin*. There were no written comments nor was there a request for a public hearing as a result of the notice.

The amendments proposed for adoption today are identical to the ones proposed at the April 3, 2001, Public Meeting. The draft order and rule (Appendix A) are attached to this memo for your review.

See Staff's March 27, 2001, Public Meeting memo (Attachment A to Public Meeting Memo) for the content and rationale for the revisions. For your review, Staff's draft order and Appendix A (rules) are also attached to this memo.

STAFF RECOMMENDATION:

Staff recommends that the Commission adopt Staff's proposed amendments in AR 407.

Attachments

ORDER NO.

ENTERED

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

AR 407

In the Matter of a Rulemaking Proceeding to Update)
Division 860 References to the Code of Federal)
Regulations (CFR).) **ORDER**

DISPOSITION: RULES AMENDED

At its April 3, 2001, public meeting, the Public Utility Commission opened docket AR 407, a rulemaking proceeding to revise rules for electric, natural gas, and steam heat utilities. The proposed changes update references to the Code of Federal Regulations (CFR) to the most current edition, April 1, 2001.

The Commission filed a Notice of the Proposed Rulemaking with the Secretary of State on April 3, 2001, and subsequently served it on all interested parties. The notice set out the amendments proposed by Commission Staff, and included a Statement of Need, Statutory Authority, Principal Documents Relied Upon, and Fiscal and Economic Impact. The notice was published in the May 2001 *Oregon Bulletin*.

No written comments were filed and no request was made for a public hearing as a result of the notice.

At its June 15, 2001, public meeting, the Commission approved Staff's recommendation to adopt the proposed rules as set forth in Appendix A.

ORDER

IT IS ORDERED that:

1. The rules set out in Appendix A, attached to and made part of this order, are adopted.

ORDER NO.

2. The rules shall be effective upon filing with the Secretary of State.

Made, entered, and effective _____.

BY THE COMMISSION:

Vikie Bailey-Goggins
Commission Secretary

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.

860-021-0015

Dispute Resolution

(1) When a dispute occurs between a customer or applicant and an **energy or large telecommunications** utility about any bill, charge, or service, the utility shall thoroughly investigate the matter and promptly report the results of its investigation to the customer or applicant. Each **energy or large telecommunications** utility shall prepare a written record showing the name and address of the customer or applicant involved, the date and character of the dispute, and the disposition of the matter. The **energy or large telecommunications** utility shall retain records of the dispute pursuant to OAR ~~860-028-0010~~ **860-027-0120**.

(2) The **energy or large telecommunications** utility shall inform the customer or applicant of the right to supervisory review of any dispute, including but not limited to, establishment of credit and termination of service. If a dispute is not resolved, the **energy or large telecommunications** utility shall notify the customer or applicant of the Commission's dispute resolution procedure and its toll-free telephone number.

(3) A customer or applicant may request the Commission's assistance in resolving the dispute by contacting the Commission's Consumer Services Division at 1-800-522-2404; TDD 1-800-648-3458; or at 550 Capitol Street NE Suite 215, Salem, Oregon 97301-2551. The Commission shall notify the **energy or large telecommunications** utility upon receipt of such a request.

(4) The Commission's Consumer Services Division shall assist the complainant and the **energy or large telecommunications** utility in an effort to reach an informal resolution of the dispute.

(5) If a registered dispute cannot be resolved informally, the Commission's Consumer Services Division shall advise the complainant of the right to file a formal written complaint with the Commission. The complaint shall state the facts of the dispute and the relief requested. The **energy or large telecommunications** utility shall answer the complaint within 15 days of service of the complaint. The matter shall then be set for expedited hearing. A hearing may be held on less than ten days' notice when good cause is shown.

(6) Pending resolution of the dispute, the complainant's obligation to pay undisputed amounts continues.

(7) A customer or applicant who has a registered dispute or formal complaint pending with the Commission shall be entitled to continued or restored service provided:

(a) Service was not terminated for theft of service or failure to establish credit;

(b) A bona fide dispute exists in which the facts asserted by the customer or applicant entitle the customer or applicant to service;

(c) When termination is based on nonpayment, the customer or applicant makes adequate arrangement to avoid future loss to the **energy or large telecommunications** utility, such as prepaying estimated monthly utility charges; and

(d) The customer or applicant diligently pursues conflict resolution under the Commission's rules.

(8) If the conditions in section (7) of this rule are not satisfied, the **energy or large telecommunications** utility has no obligation to provide continued service. A **energy or large telecommunications** utility discontinuing service because of a failure to meet the conditions of subsections (7)(c) or (7)(d) of this rule shall give the customer five-day notice served in the same manner as provided by OAR 860-021-0405 or OAR 860-021-0505, whichever applies, except the notice need only describe the defect in performance, the date and time when utility service will terminate, and the toll-free number of the Commission's Consumer Services Division. In deciding whether the conditions are met, the **energy or large telecommunications** utility shall consult with the Commission's Consumer Services Division. A customer or applicant who has filed a formal complaint, the **energy or large telecommunications** utility, or the Commission's Consumer Services Division may ask the Commission for a hearing to decide if the conditions are met. Unless extraordinary circumstances exist, the hearing will be conducted by telephone conference within three business days from the date requested. Notice of hearing will be given to the customer, the **energy or large telecommunications** utility, and the Commission's Consumer Services Division at least 12 hours before the date and time of the hearing. Notice is effective when given in person, by telephone, or in writing delivered to the party's last known address. Mailed notice is effective two days after deposit in the U.S. mail, excluding Sundays and holidays.

ORDER NO.

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

Stats. Implemented: ORS 756.040, 756.500 & 756.512

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); PUC 12-1983, f. & ef. 10-7-83 (Order No. 83-623); PUC 1-1985, f. & ef. 2-1-85 (Order No. 85-075); PUC 4-1985, f. & ef. 4-22-85 (Order No. 85-350); PUC 5-1987, f. & ef. 7-2-87 (Order No. 87-723); 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 8-1999, f. & ef. 10-18-99 (Order No. 99-632)

860-027-0045

Uniform System of Accounts for Electric Utilities — Major and Nonmajor

(1) The Uniform System of Accounts prescribed for Public Utilities and Licensees, ~~by the Federal Energy Regulatory Commission, February 12, 1985, as amended through November 30, 1991, Part 101, Chapter 1, 18 Code of Federal Regulations (April 1, 2001, edition)~~ is hereby adopted and prescribed by the Commission **for each electric utility.**

(2) ~~All~~**Each** electric ~~utilities~~ **utility** having multistate operations shall maintain records in such detail that the cost of property located in and business done in Oregon in accordance with geographic boundaries can be readily ascertained.

(3) ~~All~~**Each** electric ~~utilities~~ **utility** having multistate operations shall file annually with the Commission, on or before April 1 of the ensuing year, ~~their~~ **its** Oregon allocated results of operations for the calendar year reported, on the basis of allocation methods acceptable to 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 & 757

Stats. Implemented: ORS 756.105, 757.120, 757.125 & 757.135

Hist.: PUC 164, f. 4-18-74, ef. 5-11-74 (Order No. 74-307); PUC 5-1985, f. & ef. 4-24-85 (Order No. 85-355); PUC 5-1992, f. & ef. 2-14-92 (Order No. 92-246); PUC 9-2001, f. & cert. ef. 3-21-01 (Order No. 01-248)

860-027-0055

Uniform System of Accounts for Gas Utilities — Major and Nonmajor

(1) The Uniform System of Accounts prescribed for Natural Gas Companies, ~~by the Federal Energy Regulatory Commission, February 12, 1985, as amended through November 30, 1991, Part 201, Chapter 1, 18 Code of Federal Regulations (April 1, 2001, edition)~~ is hereby adopted and prescribed by the Commission **for each gas utility.**

(2) ~~All~~**Each** gas ~~utilities~~ **utility** having multistate operations shall maintain records in such detail that the cost of property located in and business done in Oregon can be readily ascertained.

(3) ~~All~~**Each** gas ~~utilities~~ **utility** having multistate operations shall file annually with the Commission, on or before April 1 of the ensuing year, ~~their~~ **its** Oregon allocated results of operations for the calendar year reported, on the basis of allocation methods acceptable to 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 & 757

Stats. Implemented: ORS 756.105, 757.120, 757.125 & 757.135

Hist.: PUC 164, f. 4-18-74, ef. 5-11-74 (Order No. 74-307); PUC 5-1985, f. & ef. 4-24-85 (Order No. 85-355); PUC 5-1992, f. & ef. 2-14-92 (Order No. 92-246); PUC 9-2001, f. & cert. ef. 3-21-01 (Order No. 01-248)

860-027-0065

Uniform System of Accounts for Steam Heat Utilities – Class A, B, and C

The Uniform System of Accounts for ~~Steam Heat Utilities, January 1, 1938, copies of which are on file with the Secretary of State, Public Utilities and Licensees, Part 101, Chapter 1, 18 Code of Federal Regulations (April 1, 2001, edition)~~ is hereby adopted and prescribed by the Commission for ~~all Class A, B, and C Steam Heat Utilities each steam heat utility.~~

[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 & 757

Stats. Implemented: ORS 756.105, 757.120, 757.125 & 757.135

Hist.: PUC 164, f. 4-18-74, ef. 5-11-74 (Order 74-307); PUC 9-2001, f. & cert. ef. 3-21-01 (Order No. 01-248)

860-027-0120

Preservation and Destruction of Records

(1) ~~Electric and Gas Utilities. The Regulations to Govern the Preservation of Records of Electric, Gas and Water Utilities, April 1974, revised May 1985, published by the NARUC, a copy of which is on file with the Secretary of State, Preservation of Records of Public Utilities and Licensees, Part 125, Chapter 1, 18 Code of Federal Regulations (April 1, 2001, edition)~~ is hereby adopted and prescribed by the Commission for ~~all each electric and gas utilities utility~~ with the following exceptions: Corporate and General, Organizational documents – An electric utility shall retain minute books of stockholders', directors', and directors' committee meetings for twenty-five years.

—(a) ~~Operations and Maintenance, Production – Gas. Utilities shall retain royalty records for six years;~~

(b) ~~Operations and Maintenance, Records of Auxiliary and Other Operations. Utilities shall retain records of operations other than utility operations for the same periods as prescribed for similar records pertaining to utility operations;~~

(c) ~~Operations and Maintenance, Transmission, and Distribution – Gas. Utilities shall retain records of meter tests until the superseding test but not less than two years or as may be necessary to comply with service rules regarding refunds on fast meters;~~

(d) ~~Revenue Accounting and Collecting. Utilities shall retain contracts and card files or other records thereof with customers for utility service for one year after the expiration or cancellation of the agreement.~~

(2) Gas Utilities. The Preservation of Records of Public Utilities and Licensees, Part 225, Chapter 1, 18 Code of Federal Regulations (April 1, 2001, edition) is hereby adopted and prescribed by the Commission for each gas utility with the following exception: Corporate and General, Organizational documents – A gas utility shall retain minute books of stockholders', directors', and directors' committee meetings for twenty-five years.

(23) ~~Steam Heat Utilities. The Regulations to Govern the Preservation and Destruction of Records of Classes A, B, and C Electric, Water, Gas and Steam Heat Utilities, 1936, copies of which are on file with the Secretary of State, Preservation of Records of Public Utilities and Licensees, Part 125, Chapter 1, 18 Code of Federal Regulations (April 1, 2001, edition)~~ is hereby adopted and prescribed by the Commission for ~~all each steam heat utilities utility~~ with the following exception: Corporate and General, Organizational documents – A steam heat utility shall retain minute books of stockholders', directors', and directors' committee meetings for twenty-five years.

(34) ~~Large Telecommunications Utilities. The Regulations to Govern the Preservation of Records of Communication Common Carriers, Part 42, 47 Code of Federal Regulations Chapter 1 (October 1, 1998, Edition)~~ is hereby adopted and prescribed by the Commission for ~~all each large telecommunications utilities utility.~~

ORDER NO.

[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, 757 & 759

Stats. Implemented: ORS 756.040 & 756.105

Hist.: PUC 164, f. 4-18-74, ef. 5-11-74 (Order No. 74-307); PUC 12-1985, f. & ef. 8-20-85 (Order No. 85-751); PUC 15-1986, f. & ef. 11-10-86 (Order No. 86-1144); PUC 1-1998, f. & ef. 1-12-98 (Order No. 98-016); PUC 8-2000, f. & ef. 5-26-00 (Order No. 00-262); **Renumbered from 860-028-0010**

860-028-0010

[ED. NOTE: Former OAR 860-028-0010 was renumbered to 860-027-0120.]