

# House Bill 2599

Sponsored by Representatives BUCKLEY, HOLVEY (Presession filed.)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Prohibits public utility from terminating electric or natural gas service to certain residential customers under certain circumstances.

Establishes notice requirements for terminating electric or natural gas service to residential customers.

Provides other protections from terminating electric or natural gas service to residential customers.

## A BILL FOR AN ACT

1  
2 Relating to termination of electric or natural gas service; creating new provisions; and amending  
3 ORS 757.755 and 757.760.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. Sections 2, 3, 4 and 5 of this 2015 Act are added to and made a part of ORS**  
6 **chapter 757.750 to 757.760.**

7 **SECTION 2. As used in ORS 757.750 to 757.760, "heating season" means a billing period**  
8 **for a residential customer of a public utility any portion of which occurs between October 1**  
9 **and March 31.**

10 **SECTION 3. (1) A public utility may not terminate, for nonpayment of a delinquent ac-**  
11 **count, electric or natural gas service to a residential customer of the public utility during**  
12 **the heating season or on any date on which the National Weather Service forecasts that a**  
13 **location both within this state and within the service territory of the public utility will ex-**  
14 **ceed a temperature of 100 or more degrees Fahrenheit if:**

15 (a) **The customer meets the requirements of a process established under subsection (3)**  
16 **of this section; and**

17 (b) **One of the following conditions is met:**

18 (A) **The customer is a low-income senior citizen;**

19 (B) **The customer is a full-time active military member;**

20 (C) **The customer's household includes a disabled or seriously ill member;**

21 (D) **The customer's household includes a child under the age of 12 months;**

22 (E) **A member of the customer's household has died within the past six months; or**

23 (F) **The customer's household has lost 50 percent or more of the household's income be-**  
24 **cause a member of the customer's household lost a job within the past six months.**

25 (2) **The Public Utility Commission shall adopt by rule the method by which a public utility**  
26 **may verify that a condition described in subsection (1) of this section is met.**

27 (3) **A public utility that provides electric or natural gas service shall establish a process**  
28 **by which a customer described in subsection (1) of this section may request protection from**  
29 **termination of service. At a minimum, the process must provide that the public utility will**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 not terminate service if within 14 or more business days after requesting protection the  
2 customer:

3 (a) Demonstrates to the satisfaction of the public utility that the customer has applied  
4 for state or federal heating assistance; and

5 (b) Agrees to pay the public utility a monthly payment that is not more than an amount  
6 equal to seven percent of the estimated annual amount owed by the customer to the public  
7 utility.

8 **SECTION 4.** A public utility may not terminate electric or natural gas service to a resi-  
9 dential customer of the public utility during the heating season or on any date on which the  
10 National Weather Service forecasts that a location both within this state and within the  
11 service territory of the public utility will exceed a temperature of 100 or more degrees  
12 Fahrenheit unless the public utility serves notice of the termination of service under this  
13 section. Notice of termination of service under this section must be made in the following  
14 manner:

15 (1) The public utility shall serve written notice of the termination of service to the cus-  
16 tomer in person or by certified or registered mail. Notice served in person must be delivered  
17 directly to the customer or attached to the primary door of the customer's address. The  
18 notice must include:

19 (a) The date on which the public utility will terminate service. For purposes of this par-  
20 agraph, the date on which the public utility may terminate service may not be less than:

21 (A) Eight business days after the date on which the public utility delivers the notice in  
22 person or mails the notice if the notice is mailed from a location within Oregon, Washington  
23 or Idaho; or

24 (B) Eleven business days after the date on which the public utility mails the notice if the  
25 notice is mailed from a location outside Oregon, Washington or Idaho.

26 (b) All relevant information about the termination of service, including the reason that  
27 service is being terminated, any amount owed by the customer to the public utility and how  
28 the customer may prevent the termination of service. If notice is served during the heating  
29 season, the public utility must include in the notice an explanation of how a customer de-  
30 scribed in section 3 (1) of this 2015 Act may request protection from termination of service  
31 under section 3 (3) of this 2015 Act.

32 (c) All relevant information about any charges that the public utility may assess against  
33 the customer.

34 (d) The public utility's name and address and an explanation of how the customer may  
35 contact the public utility to discuss the upcoming termination of service. At a minimum, the  
36 contact information must include a toll-free number that the customer may call.

37 (2) In addition to serving the written notice required by subsection (1) of this section, a  
38 public utility shall serve secondary notice of the termination of service to the customer.  
39 Notice served under this subsection must include the information described in subsection  
40 (1)(b), (c) and (d) of this section and must be delivered in one of the following three ways:

41 (a) The public utility may deliver the secondary notice in person to the customer. Notice  
42 delivered under this paragraph must be delivered directly to the customer or attached to the  
43 primary door of the customer's address. The notice must include the date and time of ter-  
44 mination of service. For purposes of this paragraph, the date and time of termination of  
45 service may not be earlier than 5 p.m. of the second business day after the date on which

1 the public utility delivers the notice.

2 (b) The public utility may deliver the secondary notice by certified or registered mail.  
3 The notice must include the date and time of termination of service. For purposes of this  
4 paragraph, the date and time of termination of service may not be earlier than:

5 (A) 5 p.m. of the third business day after the date on which the public utility mails the  
6 notice if the notice is mailed from a location within Oregon, Washington or Idaho; or

7 (B) 5 p.m. of the sixth business day after the date on which the public utility mails the  
8 notice if the notice is mailed from a location outside Oregon, Washington or Idaho.

9 (c) The public utility may deliver the secondary notice by telephone during regular busi-  
10 ness hours. If the public utility attempts to deliver secondary notice under this paragraph,  
11 the public utility shall keep a record of all attempts to call the customer for a minimum of  
12 90 calendar days after making the final call. The record must include each telephone number  
13 called, the date and time of each call and the result of each call. If the public utility is unable  
14 to contact the customer by telephone, the public utility must provide secondary notice as  
15 described in paragraph (a) or (b) of this subsection.

16 (3) If the public utility discovers that any of the information included in a notice de-  
17 scribed in subsection (1) of this section is inaccurate, the public utility may not terminate  
18 service until the public utility serves new written notice as required by subsection (1) of this  
19 section and new secondary notice as required by subsection (2) of this section.

20 (4) If the public utility has not terminated service within 10 business days of the date  
21 specified on a notice pursuant to subsection (1)(a) of this section, the public utility may not  
22 terminate service until the public utility serves new written notice as required by subsection  
23 (1) of this section and new secondary notice as required by subsection (2) of this section.

24 (5) The public utility may not terminate service on Friday, Saturday, Sunday, a legal  
25 holiday or on any other day on which the public utility cannot reestablish service or cannot  
26 reestablish service on the next day.

27 (6) If the billing address for a customer is different from the address for which service  
28 is provided, the public utility shall determine whether the customer of record and the person  
29 for whom service is provided are the same person. If the customer of record and the person  
30 for whom service is provided are not the same person, the public utility shall serve notice  
31 to the person for whom service is provided in the same manner that the public utility serves  
32 notice to the customer of the public utility under this section.

33 (7) If service is provided to multiple addresses through the use of a master meter, the  
34 public utility shall serve notice to each person for whom service is provided in the same  
35 manner in which the public utility serves notice to the customer of the public utility under  
36 this section.

37 **SECTION 5.** A public utility representative dispatched to terminate electric or natural  
38 gas service of a residential customer shall accept payment of the delinquent account at the  
39 address for which service is provided. The representative does not need to provide change for  
40 cash paid in excess of the amount owed by the customer to the public utility. However, the  
41 public utility shall credit the customer's account for any amount paid in excess.

42 **SECTION 6.** ORS 757.755 is amended to read:

43 757.755. **Subject to sections 3, 4 and 5 of this section:**

44 (1) the Public Utility Commission [*of Oregon*] shall establish rules to prohibit the termination  
45 of residential electric or natural gas service [*when such*] if termination of the service would sig-

1 nificantly endanger the physical health of the residential consumer.

2 (2) The commission shall provide by rule a method for determining when the termination of  
3 residential electric or natural gas service would significantly endanger the physical health of the  
4 residential consumer.

5 **SECTION 7.** ORS 757.760 is amended to read:

6 757.760. **Subject to sections 3, 4 and 5 of this section,** the Public Utility Commission shall  
7 establish rules to require each electric and natural gas utility to:

8 (1) Give written or personal notice of a proposed termination of residential service in a manner  
9 reasonably calculated to reach the residential consumer within a reasonable period of time before  
10 the proposed date of termination;

11 (2) Accept reasonable partial payment on the outstanding account and to establish a reasonable  
12 payment schedule for any indebtedness, including a deposit, that the utility claims the residential  
13 consumer owes for service at any residential address in lieu of termination of or refusal to provide  
14 service, and to inform the residential consumer of the provisions of this subsection;

15 (3) Inform those residential consumers who cannot afford to pay their bills or deposits of the  
16 names and telephone numbers of the appropriate unit within the Department of Human Services or  
17 other appropriate social service agencies that can help the consumer investigate what federal, state  
18 or private aid might be available to that consumer; and

19 (4) Provide that a transfer of service from one premises to another within the utility's service  
20 area shall not be considered a discontinuation of service.

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