

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of Amendments to Rule 746-200, Residential Utility Service Rules for Electric, Gas, Water, and Sewer Utilities)
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DOCKET NO. 15-R200-01
NOTICE OF RULE AMENDMENT
EFFECTIVE DATE AND ORDER
ESTABLISHING PILOT PROGRAM

ISSUED: May 27, 2015

NOTICE OF RULE AMENDMENT EFFECTIVE DATE

On March 30, 2015, we issued proposed rule amendments to R746-200-7 and -8 (“Amendments”), which were published in the April 15, 2015 Utah State Bulletin with a public comment period ending May 15, 2015. Three parties submitted written comments, including two that recommended modifications to the Amendments. AARP, Inc. (“AARP”) recommended maintaining the current version of R746-200, and the Office of Consumer Services (“Office”) recommended a modification to the Amendments that would establish a mandatory notice from the Division of Public Utilities (“Division”).

Typically, we submit a rule effective date to the Utah Division of Administrative Rules without issuing a written notice. Here, we desire to discuss our consideration of the concerns raised by AARP and the Office and to explain the reasons for our decision to make the Amendments effective, with the incorporation of the pilot program described below. Accordingly, we will submit to the Utah Division of Administrative Rules, concurrently with this notice, an effective date of May 27, 2015 for the Amendments.

We appreciate and share the recognition of AARP and the Office that termination of utility service to a customer with life-supporting equipment is a serious issue that requires a

transparent and understandable process. Those customers have an unqualified right to a hearing before the Public Service Commission (“PSC”). We designed the Amendments to inform those customers of their rights in a more direct and clear manner.

In our experience with dockets involving termination of service to customers with life-supporting equipment, receiving communication from the utility, from the Division of Public Utilities, and from the PSC often creates confusion for these customers regarding exactly where they should direct their questions about public assistance programs, payment arrangements, or how to request a hearing. The Amendments are designed to create a clear notice to these customers, informing them of their rights including their right to an expedited hearing. The amendments add the PSC website as a required item on that notice in addition to the extensive list of items currently required by R746-200-7.G,¹ and triple the duration of the notice, from 10 days to 30 days, for a customer with life-supporting equipment. This lengthened notice period is a more efficient means of continuing to assure that customers with life-supporting equipment have ample opportunity to raise any concern or objection to the Commission prior to any potential disconnection.

Our goal is to provide customers with life-supporting equipment who are facing utility service termination a clear and direct path forward to exercise their rights and find a way to maintain their utility service. To help ensure the Amendments accomplish that goal and to

¹ For all utility service termination notices, including those involving customers with life-supporting equipment, R746-200-7.G already requires a written notice that includes a statement of customer rights and responsibilities, the PSC-approved policy on termination of service, the availability of deferred payment agreements and sources of possible financial assistance, informal and formal procedures to dispute bills and to appeal adverse decisions, the PSC address and telephone number, specific steps – printed conspicuously – to enable the customer to avoid termination of service, and the date on which payment must be made to avoid service termination.

address the concerns raised by AARP and the Office, we establish an 18-month pilot program. Beginning immediately, and with a sunset date of December 1, 2016, we direct a public utility that issues a notice of termination of service to a customer who has provided the public utility with a life-supporting equipment statement to provide to the Division an electronic copy of the notice, at or before the time the public utility issues the notice. We direct the Division, within two business days after receiving the electronic copy of the notice, to provide a letter to the account holder by regular and certified mail: (1) informing the account holder that the public utility has issued a notice of termination; (2) noting the method and deadline by which the account holder may request an expedited hearing from the Commission; and (3) directing the account holder to contact the public utility for additional information. We further direct the Division, by June 1, 2016, to make a recommendation about whether this pilot program should be made permanent by incorporation into administrative rule.

ORDER

1. We direct a public utility that issues a notice of termination of service to a customer who has provided the public utility with a life-supporting equipment statement to provide to the Division an electronic copy of the notice at or before the time the public utility issues the notice. This requirement expires on December 1, 2016.
2. We direct the Division, within two business days after receiving the electronic copy of the notice described in the previous paragraph, to provide a letter to the account holder by regular and certified mail: (1) informing the account holder that the public utility has issued a notice of termination; (2) noting the

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method and deadline by which the account holder may request an expedited hearing from the Commission; and (3) directing the account holder to contact the public utility for additional information.

3. We direct the Division, by June 1, 2016, to make a recommendation about whether the provisions of these three ordering paragraphs should be made permanent by incorporation into administrative rule.

DATED at Salt Lake City, Utah this 27th day of May, 2015.

/s/ David R. Clark, Commissioner

/s/ Thad LeVar, Commissioner

Attest:

/s/ Gary L. Widerburg
Commission Secretary

DW#266457

CERTIFICATE OF SERVICE

I CERTIFY that on the 27th day of May, 2015, a true and correct copy of the foregoing was served upon the following as indicated below:

By Electronic-Mail:

Data Request Response Center (datarequest@pacificorp.com)
PacifiCorp

Jeffrey K. Larsen (jeff.larsen@pacificorp.com)
Rocky Mountain Power

Colleen Larkin Bell (colleen.bell@questar.com)
Jenniffer Nelson Clark (jenniffer.clark@questar.com)
Attorneys for Questar Gas Company

Daniel J. Harris (djharris@aarp.org)
AARP

Patricia Schmid (pschmid@utah.gov)
Justin Jetter (jjetter@utah.gov)
Rex Olsen (rolsen@utah.gov)
Assistant Utah Attorneys General

By Hand-Delivery:

Division of Public Utilities
160 East 300 South, 4th Floor
Salt Lake City, UT 84111

Office of Consumer Services
160 East 300 South, 2nd Floor
Salt Lake City, UT 84111

Administrative Assistant