

GENERAL RULES AND REGULATIONS
DISCONTINUANCE OF SERVICE FOR NONPAYMENT

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I. Discontinuance of Service for Nonpayment

Upon a Consumer's failure to pay, when due, all bills rendered for regulated services provided by the Company, or failure to comply with any of Company's rules and regulations, Company may, in addition to all other rights and remedies at law or in equity, cancel or terminate the contract under which service is being supplied or discontinue the furnishing of service, with or without cancellation or termination of such contract; provided Company will provide Consumer notification as follows:

A. Residential Service Consumer

1. Company shall provide a Past Due Notice (PDN) which shall be either mailed or delivered to the residential Consumer at least fifteen days prior to the proposed termination of Consumer's service. Delivery of a PDN is effective if it is delivered in person, delivered electronically, or delivered by first-class mail to Consumer and Consumer's designated representative.
2. Company shall also attempt in good faith to contact Consumer by mail or in person and present a second PDN to the Consumer or an adult at the residence at least five business days prior to termination of service and again immediately before termination of service. If personal contact is attempted but not made, the PDN shall be deemed effective if left in a conspicuous place at the residence.
3. The employee making personal contact with the Consumer and all PDNs shall inform the Consumer of all appropriate rights and options established by order of Commission, including:

- i. **Time Payment Agreement (TPA):** Under this agreement the Consumer may choose one of the following options:

Option 1 – Consumer pays 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. The TPA may be reviewed and amended by Company as needed, in response to changing prices or variations in the amount of service used by Consumer.

If a Consumer changes their service address during the period this TPA option is in effect, the Company shall recalculate the Consumer's monthly payment, provided that payments are then current and the Consumer pays other tariff charges associated with the change in residence. The recalculated payment 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 on the original TPA.

Option 2 – Consumer pays a down payment equal to one-twelfth the amount of the account balance, including any bill under preparation but not yet presented to Consumer, and enters into an installment payment plan to bring the account into balance within a maximum of 11 months from the date of the TPA.

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A. Residential Service Consumer (continued)

The Consumer also agrees to pay each subsequent monthly billing by the billing due date. If the Consumer changes service address at any time during the period of this TPA option, the plan continues.

Alternate arrangements may be made provided the Consumer agrees in writing to the terms. No termination will take place if a Consumer enters into a TPA prior to termination of Consumer's service. Company is not obligated to accept a new TPA if the Consumer is presently on a TPA or owes an outstanding balance on a defaulted TPA.

TPA Consumer's shall be required to pay all past due installments, together with any other applicable charges before service is provided at a new residence.

If a Consumer fails to abide by the TPA, the Company may disconnect service after providing notice to the Consumer in accordance with this rule.

- ii. **Right of Appeal:** Any Consumer may appeal the Company's decision to terminate service or its refusal to restore service by notifying the Consumer Services Section of the Oregon Public Utility Commission, 550 Capitol Street, NE, Suite 215, Salem, Oregon 97301-2551, toll free telephone number 1-800-522-2404.
- iii. **Medical Certificate:** Company shall not disconnect residential service if the Consumer submits certification from a qualified medical professional, stating that disconnection would significantly endanger the physical health of the Consumer or a member of the Consumer's household.

"Qualified medical professional" means a licensed physician, nurse-practitioner, or physician's assistant authorized to diagnose and treat the medical condition described without direct supervision by a physician. An oral certification must be confirmed in writing within 14 days by the qualified medical professional prescribing medical care. Written certifications must include:

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

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I. Discontinuance of Service for Nonpayment (continued)

A. Residential Service Consumer (continued)

iii. **Medical Certificate:** (continued)

If a medical certificate is not submitted in compliance herewith, the Company may disconnect service after providing notice to the Consumer allowing five business days to comply.

A medical certificate shall be valid only for the length of time the health endangerment is certified to exist, but in no case for longer than six months without renewal, no longer than twelve months for certificates specifying illnesses identified as chronic.

A Consumer submitting a medical certificate is not excused from paying for service. Consumers are required to enter into a written time-payment agreement (TPA) with Company where an overdue balance exists. In cases of financial hardship, a Consumer with an existing TPA shall be allowed to renegotiate the terms of the TPA. TPAs in effect when a medical certificate terminates remain in effect for the balance then owing.

If a medical certificate Consumer fails to enter into a TPA within 20 days of filing the certificate, or to abide by its terms, Company may elect to discontinue service. Prior to disconnection of Consumer's service, Company will notify the Commission's Consumer Services Division of its intent to disconnect service and the reason for disconnection. Company will provide a written notice to the Consumer 15 days in advance of disconnection for failure to abide by the term of the TPA or five days before disconnection for failure to enter into a written TPA.

At least 15 days before expiration, Company will give the Consumer written notice of the date the medical certificate is due to expire.

4. Company shall delay termination of service until proper State Health Assistance agency as defined by Oregon Administrative rules and the Public Utility Commission have been notified, if for any reason the Consumer appears unable to comprehend the consequences of either the Past Due Notice or the termination of Consumer's service. In such a case the Consumer shall be granted an additional five business days beyond the termination of service date (stated on the PDN) to appeal the termination.
5. Residential service shall not be discontinued because of nonpayment of bills for other classes of service.

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I. Discontinuance of Service for Nonpayment (continued)**B. Non-Residential Service Consumer**

1. Company shall provide written notice of disconnection which shall be either mailed or delivered. Service will not be disconnected prior to the fifth business day following mailing or delivery of the notice. If personal delivery of a notice is made, the delivered notice shall be deemed effective if handed to a person employed at the place of business of the Consumer or to a person of apparent competence at the service address or the billing address.
2. Prior to disconnection of service, Company will make a good faith effort to personally contact the Consumer or a resident at the service address. If the attempt to make personal contact fails, the Company will leave a notice in a conspicuous place at the premise, informing the Consumer that the service has been disconnected.
3. The Company will not disconnect electric service to a Direct Access Consumer for the nonpayment of ESS charges or other non-regulated charges.
4. In the event that the Company issues a notice of disconnection or disconnects service for nonpayment, the Company will notify an affected ESS.

C. Refusal of Service

Company may refuse to supply service to an Applicant with an overdue amount unless reasonable partial payments have been made on the overdue balance during the time service was disconnected. If partial payments have been made, Company shall provide service after at least one-half of the outstanding overdue balance has been paid. Applicant must also agree, in writing, to pay the remaining balance within 30 days of the first day of service. If service is terminated for failure to comply with the terms of such an agreement, Company may refuse to restore service until full payment of all overdue obligations, including reconnection fees and past due bills, has been made. Provisions of this rule apply in the event an applicant, whose service was terminated for non-payment, applies for service within 20 days of the termination.

In the event a check or draft for payment by an Applicant is not honored by the respective financial institution, the payment will be deemed unpaid, and the Applicant will not be considered to have acquired Consumer Status.

D. Returned Payment

If a Consumer makes a payment subsequent to the issuance of a five (5) day notice, whether payment is made to prevent a service discontinuance or to reactivate a previously discontinued service and Consumer's financial institution fails to honor said payment, the account shall be deemed unpaid. The Company will attempt to notify the Consumer in person, or by written notice, of payment failure. The Consumer shall have one business day to correct the failure. If a valid payment is not received, service to the Consumer may be discontinued without further written notice after the due date of the previously issued five (5) day notice.

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