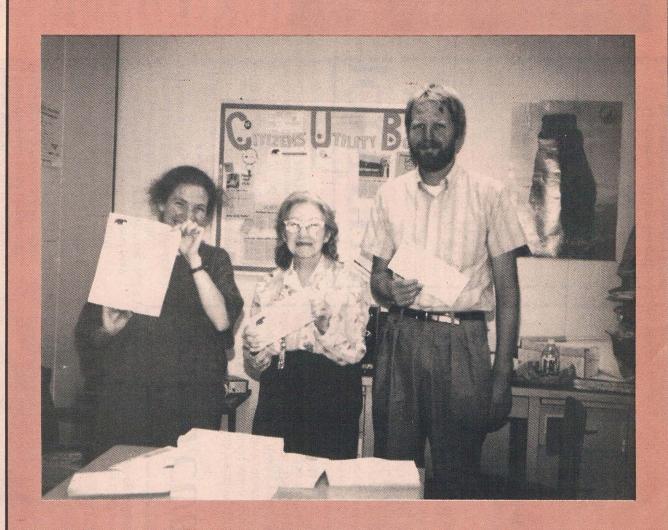


THE BEAR FACTS

The Citizens' Utility Board of Oregon newsletter for members and friends

921 SW Morrison #550 Portland, OR 97205 P.O. Box 6345 Portland, OR 97228 Nov/Dec 1989 Volume 16



Inside:

CUB turns 5!

Ratepayer rights threatened



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(503) 227-1984

Nov/Dec 1989 Volume 16

-CUB Celebrates 5th Birthday



CUB holds a news conference to announce our 5th birthday. Speakers were (from left), Robert Liberty, CUB interim Board Chairperson; Tom Novick, former OSPIRG Executive Director; Barbara Head, CUB Executive Director, and Nancy Ryles, Public Utility Commissioner.

On election day five years ago,
Oregon voters established the Citizens'
Utility board to help protect ratepayers.
This month CUB celebrates the victories it has achieved since the November 6,
1984 election.

"In CUB's first five years, we have been successful in saving \$318 ratepayer dollars to every \$1 of membership dues spent." said CUB Executive Director Barbara Head. According to Head, ratepayers have received refunds and reductions totalling over \$123.5 million as compared to a total of \$387,861 in membership dues received by CUB in the past 5 years. "In addition to the savings that have already gone back to ratepayers, CUB is currently fighting for an additional \$174 million in rate relief," Head said.

"Ratepayers all across the state can be proud of the organization they created," said CUB Board Chairperson Laura Olson. "CUB's successes can be directly attributed to the hard work of hundreds of volunteers, and the support over the years of more than 18,000 CUB members. The dedication of thousands of Oregonians has paid off for all ratepayers." Olson said.

CUB's biggest defeat was the utilities' successful court fight to keep CUB information out of utility billing envelopes. "When Oregon voters created CUB, they gave CUB the right to include membership information in utility bills. The idea was to provide every ratepayer with an easy way to join CUB," Head said. "But," she said, "the utilities were extremely afraid of the kind of power that access would give a to a consumer group." Consequently, CUB has had to devote far more time and resources into membership recruitment.

"CUB's lack of financial resources has meant that we can't get involved in every rate case or utility issue, but our record shows that when we can get involved there are tremendous results for ratepayers," Head said.

The Citizens' Utility Board is a non-profit organization supported by individual membership contributions. Any Oregon resident over the age of 18 may become a member by paying annual dues of \$5 or more. CUB's governing board is composed of three members from each of Oregon's five congressional districts. Board members

Utility shutoff policies changing

by Kathy Weaver & Judy Schilling

On December 5th and 6th, the Oregon Public Utility Commission will conduct Public Hearings on proposed utilities have commented extensively on the proposed rules. These utilities include: N.W.Natural Gas, United Telephone Company, Oregon Independent Telephone Association, and GTE been disconnected within the past 4 years.

Ratepayers Accused of Fraud

Many new references to theft, fraud

revisions to the rules which govern all aspects of utility policies and practices affecting shut-off procedures, criteria for charging deposits, late payment fees, time payment plans, medical certificates and the process for resolving disputes and complaints.

These rules, known as OAR 860
Division 21 Rules, impact all CUB
members and all Oregonians who are
customers of the regulated utilities.

Division 21 rules have long been a focus of consumer rights activists. Through the legislative process many ratepayer groups have fought for and have won stronger consumer rights and protections. While the legislature establishes the laws governing utility practices, it is the PUC Administrative Rules which set the procedures that the utility companies must follow. Through the PUC Public Hearings, consumers have the opportunity to provide input into the rulemaking process.

In February 1988 a group representing Portland General Electric, N.W.Natural Gas and Pacific Power & Light — The Utilities Credit Group — petitioned the PUC to revise portions of the Division 21 rules relating to customer credit and collection procedures. CUB, concerned that consumers' interests were not being addressed, responded that other rules also needed to be examined to ensure stronger protections for ratepayers. CUB was represented by Board Member Kathy Weaver at a hearing in Salem at which the Commissioners voted, unanimously, to review all Division 21 rules.

CUB Submits Proposal

Since that time, Weaver, along with CUB Board Members Judy Schilling and Lloyd Marbet, worked in coalition with the Low Income Consumers Union to develop CUB's proposed rule changes which were submitted to the PUC in August 1989 for review and consideration. Other proposals have also been submitted by PGE, PP&L, US West, Cascade Natural Gas, Idaho Power, CP National, and the PUC staff. Other

Northwest.

The Public Utility Commissioners have until February 12, 1990, to issue their final rules.

Access to Service Threatened

Concerned about the excessive requirements that the utilities and PUC staff have proposed, Board Member Kathy Weaver stated, "Many Oregonians with low or fixed incomes simply will not have access to gas or electric service if much of what the utilities and

and misrepresentation are found throughout the utilities' proposals. If these proposals are adopted, immediate cut-off of service may occur if a customer is suspected of such wrongdoing. This provision denies the ratepayer's right to due process or to refute the accusation, even though the evidence presented to CUB in the discovery process did not show any significant loss to a utility due to ratepayer theft or fraud. Furthermore, the PUC indicates that no complaints have been filed by

It is clear by the proposals submitted that the utilities want to strip away ratepayers' rights...

PUC staff propose is adopted."

For example, some utilities are proposing to require as a deposit the equivalent of a 2-month utility bill in order to establish service. PUC staff further proposes "additional deposits" be charged in some cases. Portland General Electric specifically has proposed restricting ratepayers' rights to pay deposits over time.

Utility companies are also proposing to discontinue personal delivery of the 72-hour Notice of Disconnect and, instead, rely on a 5-day notice to be delivered by mail.

"It is clear by the proposals submitted that the utilities want to strip away ratepayers rights that have been fought for and won over the past ten years," Weaver said.

Some utilities and the PUC staff propose that deposits be based on the customer's credit history as far back as 4 years ago. In fact, PUC staff propose that a customer's prior account with *any* regulated utility be used as criteria for charging deposits. This proposal would penalize a customer by allowing a gas or electric utility to charge a 2-month deposit because their phone service had

any utility regarding theft, fraud or misrepresentation.

Many changes are also proposed in time payment agreements for those who are behind in their bills. For example, PGE has proposed that one-half of the arrearage must be paid at the time a person signs a time payment agreement to prevent a shut-off. CUB believes the excessive amount required will exclude many ratepayers from the time payment option altogether, resulting in denying customers the basic necessity of utility service.

The PUC will hold two public hearings in December to get input from the public on these utility policies. CUB urges all ratepayers to attend and let the PUC know how you feel about these issues. Let the PUC know how the old rules have affected you, and what changes you would like to see made.

On December 5th, the hearing will be in Salem at the Capitol Building, Hearing Room D, beginning at 9:00 a.m. The December 6th hearing will begin at 7:30 p.m. in the auditorium of the Portland Building, 1120 SW Fifth in Portland.

For a summary of CUB's proposal, see the box on page 2.

congressional districts. Board members are elected by CUB members and serve four-year terms. The Oregon CUB was modeled after the CUBs in Wisconsin and Illinois. The Oregon CUB is the only CUB that was established by voter initiative.

US West fights CUB victory

US West is once again fighting to keep ratepayers from getting back money that we deserve. Many CUB members heard the announcement of CUB's \$10 million victory against US West in October. That victory would have meant an \$8.30 refund to residential customers on their November bills. But the phone company has taken the PUC to court to keep ratepayers from getting our money back.

The PUC's October order granting the refund came about as a result of a CUB motion to the Commission in May of 1988. In April of this year, the PUC granted CUB's request for the rate refund, but a challenge to the PUC by US West stalled the refund. This recent PUC order means that they are standing by their earlier decision.

CUB will support the PUC's decision in the court fight to ensure that ratepayers will get their refund. "We may have to wait a while longer," said CUB Executive Director Barbara Head, "but we are determined to make sure that ratepayers get their money back."

Head also commended the Commission for their full consideration of CUB's motion and for standing by their order when challenged by U.S. West.



Companies submit extended area service plans

By Kirk Roberts

According to the Public Utility
Commission (PUC), there is a high
demand for EAS from telephone
customers. So what is EAS? This is a form
of telephone service which enables a
telephone subscriber in one
"exchange" to call a neighboring or
nearby exchange without being billed at
long distance (toll) rates.

An exchange is a geographic area served by a local telephone company. In every exchange there is a central office switch to which each customer in that area is connected. Telephone calls within an exchange are local calls. Unfortunately, it is not a simple matter to shift customers from one local

exhange to another. Rather, calls from one exchange to another (i.e. toll calls) require a circuitous routing between originating and receiving exchanges. This interexchange telephone service is more expensive to provide, as is reflected in your long distance phone bill.

It so happens that in some geographic areas there are a number of exchanges next to one another, or in close proximity, where customers within the area may make as many (or more) calls outside (i.e. long distance) as inside the local exchange boundary. Therefore, these customers feel it is unfair to pay the increased toll charges when the "community of interest" (or the local

community telephone needs) is larger than a single telephone exchange boundary.

Since the demand for EAS is continuing to grow, the PUC initiated on March 2, 1989, a formal investigation into EAS to review existing service and establish procedures for evaluating future requests for EAS.

CUB has participated in these proceedings, primarily through its legal counsel, J. Rion Bourgeois. In January of 1989 Mr. Bourgeois filed with the PUC CUB's written brief regarding existing and future implementation of EAS in Oregon.

CUB has proposed a cautious approach to implementing EAS and recommended to the PUC that, if EAS is approved for an area, it should not be mandatory. Rather, CUB favors an optional EAS as an over-all revenue reducing mechanism and as a means for local residential rate payers to reduce their monthly bill without giving up reasonable and affordable flat rate service.

By initiative petition in 1986, Oregon voters placed a measure on the ballot prohibiting mandatory local measured service, i.e. billing for telephone service on a usage (number of calls) basis, rather than on a set or average charge, flat rate basis, regardless of the number of calls placed. This measure passed by a wide margin. Consequently, telephone companies must provide flat rate local service. But the PUC and many telephone companies also want to make flat rate EAS mandatory for all customers within an exchange, once EAS is approved for that exchange. CUB opposes this since this will raise the mandatory flat rates (both flat local and

flat rate EAS) for a customer, even though that customer may not benefit from or need the EAS. Thus, EAS conversion creates potential for unfair cost shifts from high-volume to lowvolume telephone users. Suburban business and government offices with very high calling volumes may account for a high percentage of the total interexchange calling on a potential EAS route. Without EAS conversion these high volume customers have very high long distance bills. After EAS conversion, if they select flat rate EAS service, their bills drop dramatically, as does their contribution to the recovery of costs for the telephone systems. Local telephone companies then experience a corresponding drop in revenues, and look elsewhere to replace those revenues. Responsibility for the costs which these high-volume customers formerly paid is then spread throughout the entire customer base.

On June 19, 1989, the PUC issued a final order regarding its investigation into EAS. Contrary to CUB's recommendation, the order makes EAS a mandatory part of local service, once it is approved by the PUC for a particular exchange. The order further grants the telephone company authority to develop its own EAS rate tariffs based on certain criteria set out in the order, including options for both flat and measured EAS. The order does require telephone companies to include a business/residential differential, but only for flat rate EAS. Measured rate EAS shall be priced at the same level for business and residential customers.

The order designates the Portland metropolitan area as an "EAS region". Consequently, any remaining routes in this region which are not presently EAS are now automatically approved and converted to the EAS region.

The order also establishes a specific procedure for the PUC in evaluating petitions for EAS. These petitions may be submitted by customers of telephone



Congressman Peter DeFazio (left) talks with Public Utility Commissioner Ron Eachus at the Solar Energy Association's annual conference in Eugene in October.

CUB proposes new utility policies

Below is a summary of CUB's proposal for changes in utility service policies. See article on page 1 for information.

Consumer information

•Utilities should be required to mail to new customers a summary of their consumer rights at the time the customer's service is initiated, and to all existing customers once a year. This would include information on deposits, payment of bills, Time Payment Agreements, Equal Payment Plans, termination of service, availability of Medical Certificates, reconnection of service, the complaint handling process, and the availability of the Oregon Telephone Assistance Program (OTAP) for low income consumers.

Appeals and complaints

•After a customer notifies their utility of a complaint or dispute the utility would not be allowed to shut off service while the dispute is pending.

Notice of disconnection

- •Extends 72-hour shut-off notice to 5 business days.
- Prior to disconnect, the utility must inform the customer of his or her rights in a language the customer can understand.
- •Tenants must be given notice if their landlord fails to pay their bill and disconnection of service is emminent.

Deposits

- Deposits could not exceed one month's average bill and could only be charged to customers who had been shut off in the last 12 months and did not pay the arrearage or sign a Time Payment Agreement within 60 days after the shut-off.
- •The customer would be entitled to challenge the amount of any deposit being charged.

Primary language notices

- At the request of the customer, a utility would be required to send its bills and notices in the customer's primary language.
- •In a county where at least 2% of the population speaks a language other than English, the utility must annually notify ratepayers of their right to have bills and notices in their primary language.

Utility reporting requirements

•Utilities would be required to report to the PUC statistics regarding number of shut-offs, deposits charged, deposits

refunded, time payment agreements, medical certificates issued, and late payment fees charged.

Option for tenant to put bills in own name

•A tenant whose utility costs are included in the rent would be allowed to put utility bills in her or his name if the landlord is late with payments or requests a termination of service. In no event would the tenant be responsible for the landlord's debt.

Equal Payment Plan

•An equal payment plan could be signed at any time during the year.

Deposit payments

•Consumers would be able to put deposits on time payment agreements.

Medical Certificates

- •Allows other health care professionals (such as registered nurses, nurse practitioners, physicians' assistants, or public or private agencies providing physical care), instead of doctors only, to sign medical certificates for gas or electric utility customers. Medical certificates ensure that shut-offs won't occur in households where someone's health would be endangered by termination of service.
- Allows service to be connected to households who submit a medical certificate stating that without connection it would endanger the health of someone in the household. (Current rules allow for medical certificates only to prevent a shut-off, not to restore service.)

Time Payment Agreements

- •Allows electric and gas customers to put overdue bills on time payment agreements with no down payment, in order to prevent shut-off or to reconnect service.
- Requires utilities to offer plans that are fair and equitable and consider the customer's financial circumstances.
- After a shut-off a customer would be allowed to re-establish service by entering into a time payment agreement.
- •The utility would be required to re-negotiate a time payment agreement if the customer shows her or his financial circumstances have changed significantly.

submitted by customers of telephone companies.

Under Phase 1, the PUC determines if "community of interest" criteria are met. If the criteria are met, the petition enters Phase 2. If the criteria are not met, the petition is denied.

In Phase 2 the local telephone exchange companies involved must propose rates and an implementation schedule. The companies must also notify their customers, and a public hearing must be held to determine customer reaction. In addition, the PUC may, at its discretion, take an "advisory survey or poll of customers." At the conclusion of phase 2, the PUC will determine whether the proposed EAS is in the public interest.

For residential rate payers to educate themselves and avoid an increase to their mandatory local services, customers must: 1.) Participate in the public hearings and 2.) Demand the PUC always to take the "discretionary" advisory survey or poll of customers (preferably two separate polls, one for residential and one for business) to assure that support exists for EAS within the areas, and what level of support exists between particular user groups (i.e. residential vs. business customers).

"EAS is a real political hot potato," according to Bourgeois. "As an EAS expands to include more local exchanges, a customer's flat rates increase, since toll charges are being eliminated.

The lost revenues from these toll charges have to be recovered from the flat rate local and flat rate EAS charges. Since the PUC did not implement CUB's recommendation for optional EAS, customers to be included in a proposed EAS will have an increase in their mandatory flat rate charges.

Telephone customers must decide, during the process for evaluation of proposals for EAS expansion, if the benefits are worth the increase in price. CUB can play an important role in distributing rate information to customers when petitions for EAS are submitted to the PUC.

Members encouraged to attend meetings

By Martin Fisk

As a citizen of Oregon you are invited to attend meetings of state agencies. As your watchdog over the utilities, CUB

needs to know what happens in all meetings that deal with utility issues. But the CUB staff and Board of Governors have the time to attend and to report on



Some of the CUB members in attendance at the Board's October meeting in Klamath Falls were Dola Johnson (second from left), Ray Johnson, Sandy Zediker, and Dick Zediker. CUB Board member Lloyd Marbet is pictured at left.

CUB shorts

Free weatherization workshops

Free weatherization workshops are being offered in many communities around the state.

In Washington county, the Washington County Community Action Organization's (WCCAO) Housing & Energy department is conducting its Self-Help Energy Project. The goal of the project is to increase the availability of quality housing in the county.

WCČAO staff provide free home evergy audits and free weatherization materials to low and moderate income households as well as individualized instruction on how to apply low cost weatherization measures.

programs in other areas of the state, call the Oregon Dept. of Energy at 1(800)-221-8035.

Welcome new board members

The CUB Board of Governors recently added two board members to its rolls. CUB wishes to welcome Judy Schilling of Gaston (district 1) and Nancy Helget of Pendleton (district 2) to the Board.

Schilling has had a long history of working on utility issues through the Low Income Energy Assistance Program (LIEAP) and the Washington County Energy Coalition. She also has been working on CUB's proposed rule

only a few of them. CUB would like volunteers to attend meetings and to keep track of issues. Three agencies that hold frequent meetings regarding utility-issues are the Public Utility Commission, the Northwest Power Planning Council, and the Bonneville Power Administration. Some of their upcoming meetings will discuss important utility issues.

The Public Utility Commission (PUC) is the state agency that makes the decisions about utility rate increases (and decreases) and about utility policy. It is the PUC that has ruled (at CUB's insistence) that the telephone and electric companies return excess profits and overcharges to you. The PUC holds numerous hearings and meetings to allow the public to remain informed of its actions. In addition to hearings on individual rate proceedings, the PUC holds regular meetings every two weeks, at which a variety of utility matters are discussed. Public comments are allowed at these meetings. If you would like to receive meeting notices and agendas, call Nancy Towslee at the PUC, 387-6611.

The Economic Forecasting Advisory Committee of the Council will hold a meeting in late November to discuss the 1990 economic forecast and how this affects the amount of power that will be needed. One factor that affects this forecast is the outcome of debate on forest conservation and the status of the spotted owl. These issues affect power planning because the power use of the lumber, plywood, pulp, and paper industries must be included in the estimated electrical supply. For more information on the exact date of this

meeting and the meeting agenda, please call Debbie Kitchen at the Council, 1-800-452-2324.

The Power Planning Council's Monitoring and Evaluation Group holds its meetings on the first Tuesday of every month. The long-range plan of this group is to double the salmon and steelhead population in the waters that provide hydro-electric power to the Pacific Northwest. This plan will be discussed in the future meetings. For more information about this group, call Chip McConnaha at 1-800-452-2324.

The Northwest Power Planning Council is a regional agency that plans and forecasts the energy use of the area and deals with conservation issues related to power generation and transmission. This agency conducts business by Council meetings and committee meetings that are open to the public. The meetings are held at the Portland office on 851 SW Sixth Avenue, Suite 1100. Most meetings start at 9 a.m.

The Generating Resources Advisory Committee of the Northwest Power Planning Council will be discussing several "issue papers". For the past 7 or 8 years the Northwest has been generating excess energy but at the moment we use everything that we generate. For this reason this committee is looking into developing alternative energy sources including renewable resources to meet future needs. These include solar, geothermal, wind, and biomass and municipal solid waste. Copies of the issue papers can be obtained in advance from the Portland office of the Northwest Power Planning Council (telephone 1-800-452-2324).



Weather Zation measures.

Individuals interested in attending the workshop or wishing further information about the project may contact WCCAO staff at 642-3236.

In Portland, the Community Energy Project is beginning its ninth year of providing free weatherization workshops to Portland eastside residents. During the months of October through December, 40 workshops will be held in the Northeast and Southeast Portland neighborhoods. Workshop participants will learn no-cost and low-cost ways to lower fuel bills without sacrificing comfort. All eastside Portland residents are invitied to attend. Income eligible households will receive a free kit of weatherization materials valued at \$50. (Income guidelines are a maximum \$28,100 for a family of four.)

For information on dates, locations, and registration, call Patti White at 284-6827.

For information on weatherization



CUB's newest Board member, Nancy Helget of Pendleton, joined the Board in September.

changes regarding utility shutoffs and deposits (see article on page 1).

Helget worked as a legal aid attorney for several years, gaining valuable experience in assisting ratepayers with disputes with their utility companies.

With the addition of Helget and Schilling, CUB now has a full Board complement.

Join us at one of our 1990 meetings: January 5 - Salem; February 12 -Springfield; (still tentative) March 9 -Portland; April 21 - Redmond; and May 19 - Cottage Grove. In 1989 we have met in Salem, Portland, Corvallis, Eugene, Hood River, Estacada, Seaside, and Klamath Falls.

Public Utility Commissioner Ron Eachus recently completed his term as Commission Chairperson. Commissioner Mike Katz succeeds him as Chairperson. We thank them and Nancy Ryles, the third Commission member, for their constant vigilance and hard work on behalf of consumers.

JOIN CUB
NAME:
ADDRESS:
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□ \$25.00 Regular
\$50.00 Contributing \$100.00 Sustaining
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Please make check payable to Citizens' Utility Board P.O. Box 6345; Portland, OR 97228



Dr. Paul Lineau (center) gives CUB representatives a tour of the Oregon Institute of Technology's geothermal heating system.

Should CUB form a PAC?

During the last legislative session, CUB's lobbyist Ted Coran recommended that CUB consider forming a political action committee to increase the participation of CUB members in state legislative campaigns. The proposed PAC would not give money to candidates, but instead, money raised by the PAC would be used to hire organizers in one or two targeted districts. The CUB organizer would then organize CUB members within that legislative district to work on the campaign of the candidate who would actively support CUB's agenda once elected. The overall goal of the PAC would be to make a difference in a couple of campaigns, and by doing so, send a signal to all legislators that CUB members must be listened to.

In the months following the close of the legislative session, CUB Board members have thought about and discussed this proposal to create a PAC. At the Board's recent meeting in Klamath Falls, CUB member Dola Johnson suggested that CUB survey Bear Facts readers for their opinions. Please take a minute to let CUB know your thoughts:

	Should CUB form a political action committee with the following
	goals:
1	Li Endorsing candidates
i	☐ Providing technical assistance to campaigns
1	☐ Endorsing candidates ☐ Providing technical assistance to campaigns ☐ Organizing members to support pro-CUB candidates
ŀ	
	Comments:
i	☐ CUB should not form a political action committee

Comments:

Please send your comments to: CUB; PO Box 6345; Portland, OR 97228.

Speak Out!

Attend the hearings on revisions to utility shutoff regulations!

December 5, 1989 9:00 a.m. Capitol Building, Hearing Room D Salem, Oregon

7:30 p.m.
Portland Building
Auditorium
1120 S.W. 5th
Portland, Oregon

-OR-

Send your comments and concerns to PUC Commissioners Nancy Ryles, Mike Katz, and Ron Eachus; Public Utility Commission; Labor and Industries Building, Room 300; Salem, Oregon 97310.

CUB is an independent non-profit organization established by Oregon voters in 1984. CUB is funded by voluntary membership contributions.

CUB represents the interests of consumers of the regulated utilities - gas, electricity and telephone - through participation in hearings and ratemaking proceedings before the Public Utility Commission and the Oregon state legislature.

The Bear Facts is the bi-monthly newsletter of the Citizens' Utility Board of Oregon.

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Cover Photo: Thanks to CUB volunteers Karen McCracken, Alicewayne Boaz and Richard Melling for preparing renewal notices for mailing to CUB members. Thanks also to CUB's newest volunteer, Anita Russell (not pictured) for her help with mailings and typing.