

ENB-4.09 - Adjustment of Sanitary System User Fees and Account Service Charges Interim Administrative Rules

ADJUSTMENT OF SANITARY SYSTEM USER FEES AND ACCOUNT SERVICE CHARGES INTERIM ADMINISTRATIVE RULES

Administrative Rule Adopted by Bureau Pursuant to Rule-Making Authority

ARB-ENB-4.09

SECTION 1. Administration

A. Purpose

The purpose of City Code Section 17.36.130 is to provide a means of recognizing billing errors and making fair, equitable and appropriate adjustments to utility bills. The Code section circumscribes the authority of the Director of Environmental Services to adjust utility bills while providing necessary flexibility in dealing with unusual circumstances that threaten the proper conduct of the business of the Bureau.

B. Authorities

Section 11-302 of the Charter of the City of Portland, Oregon
Section 17.36.130 of the Code of the City of Portland, Oregon

C. Guiding Principles

1. It is in the best interests of the Bureau to maintain and operate an accurate and timely system of billing ratepayers for Bureau services.
2. The Bureau and ratepayers share equal responsibilities for confirming the accuracy of billing information. It is not in the best interests of ratepayers or the Bureau for billing issues to go undetected and unresolved for long periods of time.
3. The Bureau should pay particular attention to minimize delays in the commencement of sewer system user charges. Such delays have a particularly harmful financial impact on ratepayers and the Bureau. The Bureau should provide special limitations on the retroactive commencement of sewer system user charges.
4. The Bureau should recognize and provide for the adjustment of utility bills for unusual circumstances that threaten the proper conduct of the Bureau's business.

The Bureau should ensure the full documentation of all billing adjustments including the ratepayer request, any findings of fact, determinations of special circumstances that may threaten the proper conduct of Bureau business, and the criteria used to make a final determination.

SECTION 2. Rules and Procedures

D. Adjustments to Existing Accounts for Billing Errors

1. Requests for bill adjustments shall identify the subject property, ratepayer utility account, and description of the adjustment request.
2. The Bureau shall make every effort to respond to documented requests for billing adjustments within 5 working days.
3. The Bureau shall document all findings of fact related to the adjustment request. The documentation shall include a statement of determination, and copies of any correspondence with the ratepayer or other parties involved in the determination.
4. The Bureau shall rely on specific documented evidence such as meter readings, dye tests, measurements of impervious area, manual calculations of billing days, posted utility rates and other such tangible evidence when making an adjustment determination.
5. Unless otherwise stated in these rules, adjustments are limited to a three-year period extending from the date the adjustment is requested by the ratepayer or identified and documented by Bureau personnel. The adjustment period shall apply to adjustments for over-billings and under-billings.
6. The Bureau may make a goodwill credit adjustment on an account up to \$150.00 for ratepayers who have been back-billed sewer user fees. A full explanation of the reason for the adjustment or refund must be filed with the office records and is available upon request. Refunds are to be made to the party who made the payment

The Bureau shall transmit adjustment requests to the Bureau's billing agent and maintain a record of all such transmittals.

E. Determination of Billing Commencement Dates for New Utility Accounts

1. The Bureau shall make every effort to identify and start new accounts within three months of their qualification for sewer system user charges. Efforts shall include the use of automated

information system, reports for City bureaus and agencies, research of changes in the use of property and other strategies as identified by the Bureau.

2.

The Bureau shall limit the retroactive commencement date to the more recent of two dates: (a) the date the property became subject to sewer system user charges, or (b) twelve months from the date the Bureau identified and determined that the property is subject to sewer system user charges.

3.

The Bureau shall transmit adjustment requests to the Bureau's billing agent and maintain a record of all such transmittals, and send a confirmation of the adjustment to the ratepayer within 10 working days of the transmittal.

F. Billing Adjustments Ordered by the Director of Environmental Services Through Appeal

1. The Bureau recognizes a ratepayer's right to appeal for a billing adjustment in unusual or unique situations not covered under 17.36.130.
2. The Director of Environmental Services may order the adjustment of sewer system user charges where it is deemed necessary for the proper conduct of the business of the Bureau.
3. Ratepayer requests are limited to circumstances where specific and unique conditions related to the ratepayer's use of City sewer system services impose unusual difficulties with the timing and calculation of sewer system user charges.
4. Ratepayer requests must be fully documented in writing, specify the requested adjustment and the basis for the request. The ratepayer shall provide specific evidence of special site or use conditions that warrant consideration by the Director and/or evidence that Bureau personnel acted or made decisions not authorized by City Charter or Code.
5. The Director may designate responsibility for reviewing and determining such requests to another person or persons as deemed appropriate. Such a designation shall be made in such a way as to avoid or minimize conflicts of interest with the Bureau or the ratepayer/appellant.
6. The Director or designee shall base a determination on the evidence provided by the ratepayer/appellant and findings provided by the Bureau. The determination shall provide the greatest compliance with the following criteria:
 - a. The determination varies as little as practical from the standard adjustments authorized by this section.
 - b. The determination produces the best long-term financial benefits to the Bureau.
 - c. The determination facilitates a final settlement of the appeal without recourse to other legal remedies. The settlement may not exceed the amount paid by the ratepayer.
 - d. The determination balances the financial impacts to the Bureau with those of the ratepayer.
 - e. The determination takes into account ratepayer use of sanitary sewer and stormwater system services.

7. The Director or designee shall prepare a full and complete explanation of the reason for any adjustment of sewer system user charges. The explanation shall be placed on file and made available upon request. A copy of the explanation shall be sent to the ratepayer within 10 working days of the determination.
8. The determination of the Director or designee shall be final.

HISTORY

Filed for inclusion in PPD September 29, 2004.

Signed by Environmental Services Director September 29, 2004.