



February 18, 2021

Oregon Public Utility Commission

Attn: Chair Megan Decker, Commissioner Letha Tawney, Commissioner Mark Thompson

Via email: puc.publiccomments@state.or.us

Re: Staff Memo on UM 2114, Investigation into the Effects of the COVID-19 Pandemic on Utility Customers

NW Energy Coalition appreciates the opportunity to provide written comment in advance of the February 23 Special Public Meeting. We offer the following points in response to staff's memo¹. Above all else, **utilities must continue to ensure customers have access to essential energy service during the current and ongoing emergency**. Staff's memo cites several reasons why a state of emergency still exists, and therefore the Stipulated Agreement should be amended to extend the moratorium beyond April 1, 2021. We agree with staff's reasoning, and support further extension. However, we have concerns about other aspects of staff's recommendations, as well as the process that was followed leading up to the February 23rd workshop, which we address in these comments. We urge the Commission to follow a more measured and intentional public process leading up to the proposed moratorium end date than what staff has proposed.

1. We greatly appreciate staff's work and new openness to an extension as a result of the 2/12 moratorium workshop. **NW Energy Coalition agrees that, at minimum, a June 2021 extension is necessary. And, we recognize that further extension may be necessary.**

a. While the health crisis has improved since the worst points of last year, we believe that current public health and economic metrics do not support ending the moratorium at this time. Current health conditions are worse than when the moratorium was put in place. Emerging variants of the virus are potentially more infectious and deadly², and national data shows that infection and death rates are higher in counties that did not implement disconnection moratoriums³. The current situation presents significant and evolving concerns even in light of vaccinations. **The Commission put the moratorium in place to keep customers connected to essential service during a time of significant uncertainty. This uncertainty remains.**

b. Existing low-income energy assistance funds will be depleted in April, and assistance-eligible customers will have to wait until October (at the earliest) for significant new energy assistance funds to be released. We also know, even during normal times, households have to wait months to access assistance. While funds such

¹ Accessed 2/18/21 from

https://oregonpuc.granicus.com/MetaViewer.php?view_id=2&event_id=580&meta_id=28709.

² <https://www.cdc.gov/coronavirus/2019-ncov/transmission/variant.html>.

³ https://www.nber.org/system/files/working_papers/w28394/w28394.pdf.

as the federal stimulus packages are helpful, they are neither targeted nor large enough to support energy-burdened households coping with multiple crises and bills.

c. Despite our caution around bad debt and rate impacts, and despite agreeing that there is some validity to the claim that disconnections prompt customers to seek assistance, **we have difficulty supporting the argument that disconnection notices should be used to incentivize payment.** If customers are not paying or contacting their utility, it is unlikely that their affairs are in order, but they are waiting for a disconnection “push.” Indeed, in Pacific Power’s presentation on their arrearage management plans, they highlighted that only 141 out of 238 customers reached by phone were able to make a payment or enroll in a payment plan⁴. It is likely that the other half of these customers have more pressing concerns, such as housing, health, food, and home-schooling costs. Moreover, there are only so many hardships that customer service representatives will be able to track and consider equitably as they make crucial decisions about funding allocation.

2. Due to rapidly changing circumstances and the strength of community feedback, **we urge the Commission to hear from staff and stakeholders on the current state of arrearages, payment plans, available funds, the pandemic, and the economic crisis, before the proposed June 15 deadline.** On 2/17, Washington UTC approved a moratorium extension through July 31, 2021, approving the recommendations in staff’s memo unanimously⁵. Leaving the consideration of changes until the date on which notices may resume, as staff’s report currently does, does not allow for meaningful input and consideration on potential changes. Our partners are pushing for a longer extension, which we believe may be necessary.

3. **Regarding staff recommendation #4, we believe a midpoint check-in on the status of the initiatives outlined there should be scheduled between June and November 2021.**

4. **We are dismayed by the timing and lack of public transparency** between the time leading up to the moratorium workshop and before February 23, and will continue to work with staff to improve data and information accessibility.

- a. A draft memo was published in the late afternoon of 2/11, leaving advocates only a few hours to mobilize around staff’s recommendation before the 2/12 workshop.
- b. The memo on 2/11 was only shared with stakeholders who have been tracking the covid-19 workshop series since summer 2020. While the good intention was to make information public as soon as possible, by sharing the memo via email and not through the website, an unfortunate result was a skewed sample of those who received, and thus could respond holistically to, the memo.
- c. While we appreciate staff’s quick turnaround in issuing a new and improved memo on 2/16, which was sent to previously involved stakeholders, the new memo was not publicly available on the PUC’s website until 2/18.
- d. Key stakeholders and many PUC staff were without power and on holiday in between the moratorium workshop on 2/12 and the issuance of a new memo on 2/16, leaving very few days to communicate and meaningfully collaborate on written

⁴ <https://www.oregon.gov/puc/utilities/Documents/COVID-19-OR-BPAP-Final.pdf>.

⁵ https://www.utc.wa.gov/_layouts/15/CasesPublicWebsite/CasItem.aspx?item=document&id=00496&year=2020&docketNumber=200281&resultSource=&page=1&query=200281&refiners=&isModal=false&omItem=false&dolItem=false.

comments with time for the Commissioners to consider them before the 2/23 public meeting.

5. **We agree with staff that utilities must target customers in the 90+ days arrearage bucket with their strategies, funds, outreach and communications plans.** However, in contrast to staff’s note that “This recommendation would...allow low-income, social and environmental justice organizations to fulfill their commitment to become more involved in reaching out to customers⁶,” we believe utilities and the Commission should bear the responsibility to become more involved in reaching out to community-facing organizations to facilitate this collaboration. In order to be successful, we believe that **organizations that work directly with highly impacted customers must be the first to be consulted in the design of such plans, and must have ample time and opportunity to provide feedback on the plans.**

a. The first arrearage management plan (AMP) workshop was held in mid-December, 2020. We learned at an early January meeting of community action agency energy service representatives that very few were receiving invitations to the workshops, and that none had received requests from utility representatives beyond PGE to provide input on their AMPs.

b. Not all utilities hosted individualized workshops to gather AMP feedback, instead planning for Commission-hosted workshops to be the sole venue through which adjustments were made.

c. There is no replacement for in-person, trusted communication when supporting customers in arrears. We echo past comments that utility representatives may not have the toolsets that community-facing organizations, such as churches, food banks and pantries, social service providers, and environmental justice organizations, employ every day. Utilities should explore ways not only to involve, but to compensate these entities for their needed expertise. **We reiterate our support for the PUC to host a workshop on cost-recovery models for paid consulting with community-facing entities.**

6. Connectedly, **we underscore our partners’ comments about the ways in which Commission and utilities’ relief plans exacerbate existing inequities in the energy system.** The costs on the hardest hit ratepayers, of the pandemic, the economic crisis, receiving a disconnection notice, and the reality of an actual disconnection, may be too high to claim that ratepayers as a whole will be better off by resuming sending disconnection notices in June, let alone in April.

a. It is unfortunate that, per the stipulated agreement, “The goal of examining these programs is to strike an appropriate balance between providing relief to a broad range of customers...and prioritizing those who are burdened by the greatest amount of debt and are at the highest risk of disconnection, increasing the likelihood of accrued bad debt.⁷” Per DEI Director Ezell Watson’s comments at the 2/12 moratorium workshop, certain customers and communities are themselves “owed a debt” by society for bearing the brunt of multilayered burdens, including most recently covid-19 infections and deaths, access to vaccination, and higher arrearages. **The unfortunate result of a goal to assign relief broadly is that these communities will likely continue to shoulder these debts.**

⁶ Staff Memo, p. 8.

⁷ Ibid., p. 12.

b. Staff's memo highlights that while certain sectors of the economy are, in the last two months and according to some indicators, stable or improving, **low-wage earners are faring worse** than usual in the state, and Oregon is one of the hardest-hit states when it comes to low-wage sector employment⁸.

7. We have some recommendations for improving reporting and analysis in the coming months. We are appreciative of utility and Commission efforts thus far to collaborate with other entities and publish publicly comprehensible data displays on a zip code level. We think staff's proposed reporting requirements will help the Commission in its future review of utility AMP plans, and help demonstrate whether these are properly designed, or whether tweaks are necessary moving forward. **In addition to the reporting requirements highlighted in staff recommendation #2, we recommend requiring reporting on the number of customers who broke payment agreements, and changes, successes and failures of utilities' outreach and communication plans.** In particular it is helpful to know which community-serving organizations and entities utilities have communicated with and how, so that the public can identify further opportunities for collaboration.

8. We reiterate our June 30 comments⁹ that **"All utilities, as they are discussing bill payment options with customers, should also be discussing energy efficiency options** available to these customers, and referrals for energy efficiency services should be automatic when customers reach out to get assistance." There was little-to-no discussion during arrearage workshops about whether and how utilities are easing energy efficiency access for the hardest hit customers. Energy efficiency is a far more sustainable solution to energy burden than grant-based or matched-payment relief.

9. We expand on our comments from June 2020¹⁰ that **once disconnections do resume, amended practices are necessary.**

- a. Ensure that the past due balance trigger for disconnection is a minimum of \$1,000 (the maximum LIHEAP award).
- b. Have clear disconnection notice and payment procedures that include multiple outreach attempts (e.g., by email, by phone, door tag, premise visit). Note that premise visits may be a critical component of collections among those who have less reliable access to Internet and phone service.
- c. Allow reconnect of service without fees.
- d. Eliminate any requirement that disconnected customers pay the full arrearage due before reconnection.
- e. Reach out to customers via phone or in-person who have received a disconnection notice, rather than waiting for those customers to contact the utility.

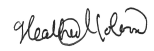
We will continue to participate and support participation from other stakeholders in the Commission's response to covid-19 and multiple connected crises. Promising steps have been taken to protect utility customers, but we believe more steps are cost-effective, possible, and necessary.

⁸ <https://oregoneconomicanalysis.com>.

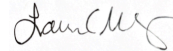
⁹ <https://www.oregon.gov/puc/utilities/Documents/COVID-19-Impacts-WS1-NWEC.pdf>.

¹⁰ Ibid.

Sincerely,



Heather Moline
Policy Associate



Lauren McCloy
Policy Director