

July 12, 2021

Public Utility Commission
Attn: Filing Center
P.O. Box 1088
Salem, OR 97308-1088

Re: UM 2114 Staff Report

The undersigned advocates (“Advocates”) submit these comments to, first, underscore our shared appreciation and gratitude for over a year’s worth of committed and collaborative work on the part of Oregon Public Utility Commission (“Commission”) Staff, as well as the utilities and Commissioners themselves, to contemplate and implement critical protections for vulnerable customers in response to the (still ongoing) COVID-19 pandemic. While the Advocates have not always agreed with utility proposals, Staff’s findings and recommendations, and Commission decisions for that matter, we have not and will not question parties’ motivation or intentionality. Indeed, these comments are built from the discussions among Commissioners and stakeholders during the May 13, 2021 Special Public Meeting where the Commission determined to continue or sunset of the moratorium on energy service disconnections for non-payment.

Advocate Feedback on Staff’s Recommendation No. 1

Recommendation No. 1 should be amended such that Staff provides an update to the Commission well before September 20, 2021.

Recommendation No. 1 would have Staff return to the Commission on September 20, 2021 to provide an update on Arrearage Management Program (“AMP”) funds, and on the potential need to supplement these funds. However, Advocates are concerned that this date is too far after disconnections recommence. As we have identified in prior conversations, utility forecasts on AMP fund availability do not appear to accurately capture the likely scenario that disconnection notices will result in a significant increase in demand for AMP funds. As a result, Advocates strongly encourage the Commission to adopt an amended version of Recommendation No. 1 directing Staff to return before the Commission for a conversation on AMP funds by no later than August 28, 2021.

Advocate Feedback on Recommendation No. 2

- **Recommendation No. 2 should include in the customer groups protected from disconnection those households with an individual enrolled in programs that would make them categorically eligible for energy assistance, including but not limited to acknowledged anti-poverty programs: Supplemental Nutrition Assistance Program, Social Security Insurance, and Temporary Assistance for Needy Families, etc.**
- **Residential customers who self-certify that they have an appointment or are working to obtain energy assistance “shall” or “will” be protected.**
 - Staff’s Recommendation No. 2 states that this group of customers “*may* be protected for at least one month.” However, that protection must not be discretionary. Therefore, Advocates request that this customer group be protected by replacing the word “*may*” with either the word “*shall*” or the word “*will*.”
- **Residential customers who self-certify that they are working to obtain energy assistance should be protected from disconnection for at least three months.**
 - Staff’s recommendation allows utilities to protect this customer group for “at least one month.”
 - Based on the experience of two of Oregon’s largest Community Action Agencies (“Agencies”), assuming that a person is able to file an application or find an appointment on day-one, the application process may take at least to six-to-eight weeks. There are also situations in which finding an appointment may result in a person working to obtain energy assistance an additional month or more. Timelines could be even longer as a result of increased demand for energy assistance in response to disconnection notices.
 - Additionally, disconnections will recommence at a time when Agencies will be in a period of transition from one fiscal year to the next, which further impacts the Agencies’ capacity. This period of transition may extend well into the fall.
 - As a result, Advocates recommend that this customer group be protected from disconnection for at least twelve weeks, to account for the realities of seeking energy assistance and to avoid unnecessary hurdles for this group at significant risk of disconnection.
- **Specific workings of the protection for residential customers who self-certify should be clear before disconnections recommence.**
 - Advocates strongly support reliance on self-certification for this protected customer group and appreciate Staff’s recognition that the ability to self-certify is essential under current circumstances, especially for a group that is vulnerable to disconnection and that is likely low-income by virtue of their ability to seek energy assistance.

- Advocates encourage clarification of how periodic self-certification, if necessary, might work. Advocates further recommend that utilities be required to notify customers of their need to self-certify by, for example, sending an additional disconnection notice or a clear “recertification” notice.
- **Recommendation No. 2 should not qualify protection for customers with AMPs.**
 - Order No. 21-164 and Staff’s May 20, 2021 Special Public Meeting Revised UM 2114 Recommendations¹ did not include a requirement that a customer in an AMP make a payment to be protected from disconnection. As a result, we recommend that Recommendation No. 2 be amended to eliminate the requirement for “one or more payments” and, instead, simply require that a customer participate in a utility AMP.
- **Recommendation No. 2 should reference self-certification for medical certificates.**
 - Advocates implore that Recommendation No. 2 regarding medical certificates be amended as follows: “residential customers on medical certificates, **or who certify they have a medical certificate consistent with Order 20-324**, without the need to enter into a Time Payment Agreement (TPA).”
- **Advocates strongly support Staff’s recommendation that residential and small commercial customers displaced by wildfires and on days where the Air Quality Index is at 101 or higher be protected from disconnection**
 - We support inclusion of those protected groups in Recommendation No. 2, and a conversation about more permanent protection as part of the Paragraph 28 process that will start later this month.

Advocate Comments and Questions Re: Paragraph 28 Process

Advocates request a clearer explanation of how the Paragraph 28 process interacts with protections from disconnections once the current moratorium sunsets.

Recommendation No. 2 would have Staff and the Commission’s DEI Director “further examine these and other circumstances recommended by stakeholders during workshops convened under Paragraph 28 of the Stipulated Agreement.” We appreciate the need and importance of this examination, but request a clearer explanation of how Staff intends this process to interact with the current need for protections from upcoming disconnections. Some of the conversations that may occur within the context of that process simply cannot wait until December.

For example, Staff’s Report states that “[w]hether and when to protect customers displaced by wildfires from disconnection and the AQI recommendations should also be further explored during the UM 2114 Paragraph 28 workshops.” Advocates welcome an exploration in the Paragraph 28 process that focuses, for example, on how we can protect those communities on a

¹ “Direct the investor-owned electric and natural gas utilities to use reasonable best efforts not to disconnect customers who are participating in an utilities arrearage management program matching option[.]”

more permanent basis. And we need those protections in place at least on a temporary basis before disconnections recommence in August.

Additional Advocate Feedback and Questions

Advocates, utilities, and Staff urgently need to have a conversation about how to protect Oregon’s undocumented communities from disconnection.

Prior comments, submitted jointly by many of the undersigned Advocates highlighted the urgent need for exploring how to protect undocumented persons from disconnection. Advocates raised this point because undocumented communities have been both disproportionately impacted by the pandemic while having access to few resources and protections, including with regard to energy assistance. For example, while undocumented communities have access to some of the programs that Staff listed,² undocumented persons do not have access to LIHEAP and have not had access to unemployment benefits, and to many federal anti-poverty programs that have kept families afloat through the duration of the COVID-19 pandemic crisis. Indeed, undocumented Oregonians and their experience during the pandemic, resulting economic downturn, and of the ongoing risk for utility disconnection, represents the perfect example of inequities in our system, and of inequitable impacts of decisions by the Commission.

Advocates request a conversation and exploration precisely because, as Staff pointed out, protecting this community from disconnection is not a simple endeavour. This policy question deserves a forum, and should not simply be dismissed on the basis of its perceived complexity. As a result, Advocates strongly recommend that Staff facilitate a robust conversation on how the Commission can prioritize protections for this vulnerable community.

² Advocates disagree with statements indicating that undocumented Oregonians have access to Northwest Natural’s OLGA due to current issues with guidelines for identification and determination of energy assistance awards. We are encouraged about NW Natural’s willingness to engage in a process to address those issues and any unintended current inequities with OLGA.

- **Finally, Advocates request timely information to ensure that the end of the disconnection moratorium does not create and/or exacerbate a larger crisis**
 - Utilities should estimate how many customers will be protected from disconnection under Recommendation No. 2.
 - Diving into specifics. How will this actually work? How will this be implemented?
 - Furthermore, Advocates request projections from utilities regarding the level of expected disconnections within the first three months from the end of the moratorium (August, 2021 - October, 2021), compared to the August - October time periods in both 2018 and 2019.

Respectfully submitted this 12th day of July, 2021.

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