

December 15, 2021

Public Utility Commission

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

Re: UM 2114
Investigation Into The Effects Of The Covid-19 Pandemic On Utility Customers Advocates'
Response to Staff's Report from December 7, 2021

The undersigned advocates ("Joint Advocates") appreciate the continued commitment by the Oregon Public Utility Commission ("Commission") and its Staff to exploring issues related to low-income customers' energy burden and related social inequities. We strongly support Staff's recommendation that the Commission open a rulemaking docket to review Oregon Administrative Rules, Chapter 860, Division 21, and strengthen customer protections concerning disconnections.¹

We also encourage the Commission to signal in its order that the DEI-Director-led workshop series should continue. We had one stakeholder workshop, in addition to the community workshops facilitated by Brown Hope. Additional stakeholder workshops would allow us to continue to explore changes to the rules and practices around disconnections, arrears, and other customer protections and avoid continued unjust impacts. From a resourcing and stakeholder capacity perspective, it could be helpful for this series to be expressly incorporated into the HB 2475 implementation process.

We especially appreciate Ezell Watson, the Commission's DEI Program Director, and the Staff that has collaborated with him to propose the robust set of proposals that the Staff Report outlines for further discussion in rulemaking.

I. We support the proposals that Staff plans to explore in the rulemaking

We came together in this workshop process to understand how current rules and practices impact those experiencing energy poverty and energy burden, and to identify what changes can mitigate the unjust consequences of our current one-size-fits-all approach. Staff would explore in rulemaking a number of robust proposals that are consistent with some of the Advocates' Recommendations that a number of us submitted on September 27, 2021² as well as with the findings of the workshops that Brown Hope facilitated.

The status quo taxes the poor, deepens vulnerability, and perpetuates injustice. Maintaining it is not neutral. With that in mind, we appreciate the proposals in the Staff Report. While they are not as comprehensive as the Advocates' Recommendations, they are a good and necessary start.

¹ UM 2114, Staff Report at 1 (Dec. 7, 2021), available at <https://edocs.puc.state.or.us/efdocs/HAU/um2114hau14453.pdf>.

² UM 2114, Advocates' Recommendations (Sep. 27, 2021), available at <https://edocs.puc.state.or.us/efdocs/HAC/um2114hac19146.pdf>.

For example, we appreciate Staff’s proposals to allow for time payment arrangements of up to 24 months, and to waive reconnect fees and deposit requirements. As we identified in our Advocates’ Recommendations, these practices disproportionately impact those in our community already experiencing vulnerability. We also appreciate and support Staff’s proposal to amend rules to allow those with medical certificates to self-certify for two months rather than having to wait to receive much needed protection.

We deeply appreciate and support Staff’s proposal to extend the disconnection notice requirement beyond the current 15 days for those who have received energy assistance. In fact, and as we outline below and in our Advocates’ Recommendations, we believe additional vulnerable populations could be considered. While we appreciate that utilities generally go beyond the timeline required in rules, it is important for rules to reflect the finding that those who have experienced disconnection expressed need for more time.³ Additionally, arrears and disconnections rules and practices must move from a one-size-fits-all approach and recognize that different members of our community are differently situated with regards to risk of, and impacts from, disconnection.

We are especially supportive of Staff’s commitment to explore a severe weather moratorium approach that focuses on health and that is more appropriate in a time when weather events that pose a risk to human health are expected to be more severe and frequent. We are encouraged by the proposals to permanently memorialize air-quality and wildfire related protections, as well by the possibility of longer severe weather moratoriums. We appreciate seeing reflected in the Staff Report our recommendation that reconnections take place in advance of weather events that could threaten human health. Like Staff, we support that the Commission either incentivizes or even requires utilities to establish winter protection programs.

Importantly, we expect to encourage Staff and the Commission in the rulemaking to go beyond energy assistance as a proxy for vulnerability and to consider a more comprehensive set of factors that are better reflective of vulnerability.⁴

II. This workshop series should continue

While we strongly appreciate the process thus far, as well as Staff’s recommendation, this Special Public Meeting and the decision to open a rulemaking should not be the end of this exploration. As a result, we also encourage the Commission to signal in its order that the DEI-Director-led workshop series should continue to serve as a space for conversations on how PUC rules and utility practices should evolve to minimize inequitable and unjust impacts. We see good potential in explicitly including this workshop series in the HB 2475 implementation process.

³ Staff Report at 6.

⁴ Advocates’ Recommendations at 10.

III. Conclusion

The Joint Stakeholders deeply appreciate the work of Mr. Watson and other Staff work on this process, as well as their recommended rulemaking and their thoughtful and robust set of proposals. We encourage the Commission to adopt Staff's recommendation and open a rulemaking process to explore strengthening protections concerning disconnections. We also encourage the Commission to continue the workshop series to explore additional updates to rules and practices regarding arrears and disconnections.

We look forward to continued engagement and collaboration to make sure that rules and practices around utility service do not continue to deepen vulnerability but that instead they recognize principles of equity and advance just outcomes.

Sincerely,

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Green Energy Institute at Lewis & Clark Law School

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