



Office of Sustainability

May 12, 2021

Chair Megan Decker
Commissioner Letha Tawney
Commissioner Mark Thompson
Public Utility Commission of Oregon
201 High St. SE, Suite 100
Salem, Oregon 97301-3398

**Re: Investigation into the Effects of the COVID-19 Pandemic on Utility Customers
Docket No. UM 2114**

Dear Chair and Commissioners,

The Multnomah County Office of Sustainability (MCOS) appreciates this opportunity to comment as the Oregon Public Utility Commission (PUC) considers whether and for how long to extend the current moratorium on disconnections. We thank you and PUC staff for your leadership and decisive action to maintain vulnerable Oregonians' access to essential electric and gas utility services. The pandemic and economic circumstances that led us here remain uncertain, so we urge you to continue your leadership on this issue by preserving protections for Oregon's vulnerable communities.

MCOS sincerely appreciates Staff's efforts to craft a proposal that aims to center vulnerable Oregonians. We support Staff's three recommendations with two important modifications to recommendation No. 1. First, we encourage you to extend the disconnections moratorium through April 1, 2022 instead of July 15, 2021. Second, we encourage you to state in the order that you will hold another public meeting prior to recommencing disconnections in order to assess whether public health and economic circumstances warrant additional extensions.

We base our recommended modifications on the following reasons: 1) the pandemic is more prevalent in our community today than it was when you adopted or extended this moratorium; 2) like the pandemic, disconnections will likely disproportionately impact vulnerable Oregonians; 3) significant uncertainty remains regarding health and economic indicators; 4) a solid structure will be crucial to minimizing the risk that Oregonians fall through the cracks when disconnections recommence; and 5) the timing of the moratorium should line up with the process in Staff's third recommendation as this process' outcomes will likely help minimize the impacts of disconnections.

I. COVID-19 remains a public health emergency and warrants extending the moratorium.

Throughout the pandemic, the Commission, Oregon’s investor-owned utilities, and the community of stakeholders came together in support of the moratorium on disconnections for residential customers in part due to the recognition that COVID-19 is an unprecedented public health emergency. Utilities voluntarily adopted the moratorium in March 2020 when cases were relatively low and we were collectively trying to grasp the impacts of COVID-19. The week of August 17, 2020, when conversations about memorializing the moratorium began taking shape,¹ the Oregon Health Authority (OHA) recorded 1,704 new cases.² The Commission adopted the Stipulated Agreement during its November 3, 2020 public meeting.³ That week, OHA reported 3,542 new cases.⁴ The next decision point was the week of February 24, when the Commission extended the moratorium and OHA recorded 2,652 cases.⁵ Those levels of COVID-19 rightfully led this Commission, the utilities, and stakeholders to protect Oregonians’ health through ensuring their access to gas and electricity.

The public health rationale for this moratorium is even stronger today, as COVID-19 cases are significantly higher than at any prior decision point on this issue. Consistent with the concerns from Multnomah County’s public health officials that we articulated in our February letter in this docket, today Oregon is going through the fourth wave of the pandemic.⁶ Indeed, OHA’s last weekly report records 5,557 new cases of COVID-19 infection.⁷

The trajectory of the COVID-19 pandemic and the economic crisis it has caused remain uncertain. For example, Multnomah County and several other Oregon communities moved for one week to the state’s “Extreme” risk category due to the prevalence of COVID-19 in our community.⁸ Today, public health officials warn that “the real risk of the region’s spring surge hasn’t waned, with case counts still high and more contagious variants of COVID-19 dominating

¹ The Citizens Utility Board of Oregon filed its comprehensive proposal, which included the moratorium through April 1, 2020, on August 17, 2020, available at <https://www.oregon.gov/puc/utilities/Documents/COVID-WS3-CUB.pdf>.

² Oregon Health Authority, *COVID-19 Weekly Report* at 1 (Aug. 26, 2021), <https://www.oregon.gov/oha/PH/DISEASES/CONDITIONS/DISEASESAZ/Emerging%20Respiratory%20Infections/COVID-19-Weekly-Report-2020-08-26-FINAL.pdf>.

³ Docket UM 2114, Order No. 20-401 (Nov. 5, 2020).

⁴ Oregon Health Authority, *COVID-19 Weekly Report* at 1 (Nov. 4, 2020), <https://www.oregon.gov/oha/PH/DISEASES/CONDITIONS/DISEASESAZ/Emerging%20Respiratory%20Infections/COVID-19-Weekly-Report-2020-11-04-FINAL.pdf>.

⁵ Oregon Health Authority, *COVID-19 Weekly Report* at 5 (Mar. 3, 2021), <https://www.oregon.gov/oha/covid19/Documents/DataReports/COVID-19-Weekly-Report-2021-3-3-FINAL.pdf>.

⁶ Docket UM 2114, Multnomah County Comments at 2-3 (Feb 19, 2021) https://oregonpuc.granicus.com/Viewer.php?view_id=2&event_id=580&meta_id=28727.

⁷ Oregon Health Authority, *COVID-19 Weekly Report* at 4 (May 5, 2021), <https://www.oregon.gov/oha/covid19/Documents/DataReports/COVID-19-Weekly-Report-2021-5-5-FINAL.pdf>.

⁸ Multnomah County, *Multnomah County returns to “Extreme Risk” Friday, April 30* (Apr. 28, 2021), <https://multco.us/novel-coronavirus-covid-19/news/multnomah-county-returns-%E2%80%9Cextreme-risk-friday-april-30>.

the spread.”⁹ The California and UK variants, both significantly more contagious than the original COVID-19 strain, appear to explain the recent rapid spread of the virus. While we all hope that models are correctly predicting a summer of low transmission, the last year has taught us that pandemic circumstances can change rapidly, especially as the worldwide COVID-19 picture remains concerning and new variants continue to emerge.¹⁰ In recognition of the uncertain nature of this pandemic and of its impacts and, consistent with the Stipulated Agreement,¹¹ MCOS urges you to extend the disconnections moratorium and to remain open to assessing public health and economic circumstances before recommencing disconnections.

II. The pandemic and disconnections disproportionately impact at-risk communities.

COVID-19 and the current economic crisis have disproportionately impacted Oregon’s most vulnerable communities. Black, Indigenous, and other People of Color (BIPOC) remain both more likely to contract and die from COVID-19, and less likely to have been vaccinated.¹² Oregon and national data also suggest that low-wage workers as well as Black and Latinx workers have not seen the same level of economic recovery as other groups.¹³ National data shows that historically these same communities have been at higher risk of disconnection adjusting for other factors.¹⁴ In recognition that ultimately BIPOC and low-income Oregonians are at higher risk of disconnection, we at MCOS continue to advocate for an extension of the moratorium through April 1, 2022.

Disconnection creates serious hardship for low-income and BIPOC communities. For example, low-income and BIPOC communities are more likely to live in poorly insulated housing that

⁹ Multnomah County, *COVID-19 spread hinges on race between vaccine and variant, health officials say* (May 7, 2021), <https://multco.us/novel-coronavirus-covid-19/news/covid-19-spread-hinges-race-between-vaccine-and-variant-health>.

¹⁰ See e.g. Gayathri Vaidyanathan, *Coronavirus variants are spreading in India - what scientists know so far*, Nature (May 10, 2021), <https://www.nature.com/articles/d41586-021-01274-7>.

¹¹ “The Commission will have ongoing oversight to determine whether to extend the April 1, 2021 date to a later date based on ongoing economic and pandemic conditions.” UM 2114, Stipulated Agreement at 5 (Oct. 29, 2020).

¹² For example, Latinx Oregonian remain disproportionately represented in COVID-19 cases and underrepresented in the vaccines. Oregon Health Authority, *Oregon’s COVID-19 Update* (Consulted on May 7, 2021) <https://public.tableau.com/profile/oregon.health.authority.covid.19#!/vizhome/OregonCOVID-19Update/DailyDataUpdate> (24.1% of cases in Oregon are for Hispanic people); Data USA, *DATA USA: Oregon* <https://datausa.io/profile/geo/oregon#:~:text=13.3%25%20of%20the%20people%20in,share%20of%20the%20total%20population> (Latinx people are under 14% of Oregon’s population).

¹³ Oregon Office of Economic Analysis, *Oregon Employment: December 2020* (Jan. 21, 2021) <https://oregoneconomicanalysis.com/2021/01/21/oregon-employment-december-2020/> (“[W]hen looking at employment across sectors based on wages, it is clear that the recent setback is in the low-wage industries. Middle- and high-wage industries are holding steady or growing every so slightly in recent months on net. *The K-shaped cycle continues, at least until the pandemic is over.*” (emphasis added)); US Bureau of Labor Statistics, *Economic News Release* (May 7, 2021), (while the overall unemployment rate was 6.1% in April 2021, the unemployment rate for non-Hispanic white workers was 5.3%, for Black workers was 9.7%, and for Hispanic workers was 7.9%), <https://www.bls.gov/news.release/empst.nr0.htm>.

¹⁴ National Association for the Advancement of Colored People, *Lights Out in the Cold: Reforming Utility Shut-Off Policies as If Human Rights Matter* at 9-10 (Mar. 2017), https://naacp.org/wp-content/uploads/2020/07/Lights-Out-in-the-Cold_NAACP-ECJP-4.pdf.

requires more energy for heating or cooling.¹⁵ BIPOC communities are also more likely to live in areas burdened with urban heat island effects due to the legacy of institutional racism, redlining, gentrification, and how they limit where people can live. This urban heat island effect overheats their home during the day and prevents their living spaces from cooling down at night, causing them to need more electricity to power fans and air conditioners to stay healthy and comfortable.

As last year also taught us, low-income and BIPOC communities are also disproportionately impacted by natural disasters. As wildfire season approaches,¹⁶ the vital nature of electricity service is exacerbated by families' potential need to rely on electricity to manage another hazardous air quality event. Low-income and BIPOC communities are less likely to be able to seek refuge as some more resourced Portlanders were able to do last summer during the wildfires and last winter during the outages. The outages during the ice storm also underscored how families will do what they need to stay warm, even when it puts their lives at risk,¹⁷ as well as the unique impacts that losing access to utility services has on the poor. For example, losing electricity worsens food insecurity for families as they lose their perishable food and the ability to store perishable food.¹⁸ Decision makers, utilities, and advocates have a shared responsibility to ensure continued access to utility services during the pandemic in light of the disproportionate impacts that losing access to utility services represents for at-risk communities.

III. Uncertainty in the factors outlined in Staff's Report warrants a longer moratorium.

MCOS reiterates Multnomah County's recommendation that the Commission extend the moratorium past the next winter heating season and until April 1, 2022. At a minimum, the Commission should continue to assess the pandemic and economic landscape before recommending disconnections. Staff identified a number of factors that underlie its recommendation that the Commission extend the moratorium until July 15, 2021.¹⁹ We are deeply appreciative of Staff's efforts to craft an approach that aims to recognize that disconnections disproportionately impact vulnerable populations. However, due to the high degree of uncertainty around the factors that Staff outlined, and about the societal and personal impacts of COVID-19, we propose going beyond Staff's recommendation.

¹⁵ Diana Hernandez and Douglas Phillips, *Benefit or Burden? Perception of energy efficiency efforts among low-income housing residents in New York City*, Energy Res Soc Sci (Jul 1, 2015), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4819256/>.

¹⁶ Matthew Singer, *High Temperatures and Unseasonably Dry Conditions Have Portland Under an Increased Risk for Wildfires, National Weather Service Warns*, Willamette Week (Apr. 14, 2021), <https://www.wweek.com/news/environment/2021/04/15/high-temperatures-and-unseasonably-dry-conditions-have-portland-under-an-increased-risk-for-wildfires-national-weather-service-warns/>.

¹⁷ See e.g. KATU News, *4 dead from carbon monoxide poisoning during winter storm* (Feb. 16, 2021), <https://katu.com/news/local/4-dead-from-carbon-monoxide-poisoning-during-winter-storm-clackamas-county-sheriff-says>.

¹⁸ See e.g. KLCC, *SNAP Recipients Can Replace Food Lost During Power Outages* (Feb. 16, 2021), <https://tinyurl.com/yd6f6gb7>.

¹⁹ UM 2114, Staff Report at 25-28 (May 6, 2021) (hereinafter "Staff Report").

Two Americas have emerged during the pandemic: those who have been able to weather it without worrying about paying their bills and those who have had to make choices about which bills to pay, if they can pay at all. This is a social problem, and we (utilities, the Commission, and stakeholders) play a direct role in setting in place an arrears management structure that may very well determine whether vulnerable Oregonians can hold on and get back on their feet. As a result of the pandemic, many in our communities lost jobs, sunk deeper into poverty, and, consequently, do not have the resources to pay their arrears. However, access to utility services is not only vital in modern society but also key to a family's ability to get back on their feet and be able to pay for utility services.

Staff's Report mentions an improving economic picture and a downward trend in unemployment.²⁰ However, as Staff's Report highlights, current modeling indicates that Oregon may take an additional two years to get back to pre-recession levels of employment and that "[w]orkers in low-wage, in-person service industries have and continue to bear the brunt of the recession."²¹ Similarly, a deeper look at national unemployment data indicates that unemployment is worse for our Black and Brown communities. Specifically, while the national unemployment rate was 6.1% in April 2021, it was 9.7% for Black workers and 7.9% for Latinx workers.²² The last year has taught us that any swings in the pandemic would likely translate to economic and jobs impacts. As these comments highlight in Section I, while there are promising signs on the health front, the pandemic landscape remains uncertain. Ultimately, so long as the pandemic is not under control, the economic landscape will also remain uncertain.

We at MCOS base our recommendation to extend the moratorium through April 1, 2022 on a number of factors. First, we are hopeful that next year we will see greater certainty on the health outlook and economic recovery. Additionally, HB 2475 appears within reach. A longer moratorium would allow us to work on implementation of a bill expected to address energy burden and the risk of disconnection for many. Multnomah County's experience serving vulnerable communities through our Department of County Human Services' Energy Assistance Program also continues to inform MCOS' recommendation to extend the moratorium through April 1, 2022.

MCOS sincerely appreciates Staff's second recommendation as well as Staff's efforts to think creatively about how to keep vulnerable Oregonians from disconnection. However, we continue to worry that the ongoing pandemic and an uncertain and likely inequitable recovery will put many in our community at risk of disconnection. Specifically, we remain concerned that community members with high arrears and uncertain incomes will struggle to maintain access to energy even with energy assistance and utility programs. An end to the disconnections moratorium does not change someone's ability to pay. For example, if our Energy Assistance Program provides energy assistance to someone in June but that person still lacks sufficient

²⁰ Staff Report at 25-28.

²¹ *Id.* at 25.

²² US Bureau of Labor Statistics, *Economic News Release* (May 7, 2021), <https://www.bls.gov/news.release/empst.nr0.htm>.

income for future bills, that person will have maxed out on available assistance and may then face disconnection with no additional bill assistance available until October 1, 2021. As a result, we at MCOS urge you to extend the moratorium through April 1, 2022.

IV. A solid structure that minimizes the risk that Oregonians lose access to utility services is key before disconnections recommence.

To reduce the likelihood of disconnections once the moratorium ends, we must collectively consider how the pieces of the structure to address energy insecurity fit together. These pieces include the various energy assistance programs and options, as well as arrears management programs and other flexible repayment options in the Stipulated Agreement. In evaluating whether any gaps exist in this structure, we ought to center the reality and experience of communities who were at risk before the pandemic and for whom the pandemic has deepened economic vulnerability.

A. Arrears Management Programs

Before disconnections recommence, funded, available, and well-known arrears management programs should have been in place for enough time for the community to understand, trust, and recognize them. Those programs should go beyond match requirements and advertise grant options or provide instant grants so they are and seem accessible for those without an ability to match, as well as for those who will continue to need assistance. Like Staff and other stakeholders, MCOS supports additional funding for arrears management programs.

B. Barriers of access and grant-size limitations for undocumented communities

Any barriers of access and grant-size limitations for undocumented communities that remain in utility-administered programs must be dismantled well before lifting the moratorium on disconnections. MCOS and other advocates have highlighted over the last year how barriers of access and unnecessary limitations on funding for undocumented immigrants compound inequities for one of Oregon's most vulnerable populations. Any barriers and limitations that remain no longer have a place in utility-administered programs.

Utility-administered programs that have not yet done so, should adopt Oregon Energy Assistance Program (OEAP) eligibility criteria and/or the OEAP formula, or other criteria and formula that do not disadvantage undocumented Oregonians. To the extent these changes have not happened, we request that the Commission require them. The moratorium should remain in place for months after undocumented immigrant communities gain equitable access to energy assistance in order to allow those communities opportunity to seek assistance and time to learn about programs that have effectively been inaccessible for those communities.

C. Energy assistance programs

Energy assistance is an essential component of the structure that should be in place to make sure that families are not disconnected after the moratorium ends. Agencies need to be positioned to successfully manage the likely increase in energy assistance need that will follow the end of the disconnections moratorium. While each agency may have a particular situation, express enrollment is a tool that appears universally helpful. At MCOS, we understand that Oregon Housing and Community Services expects to implement express enrollment for OEAP soon and are grateful and encouraged to see this move. Additionally, agencies and community-based organizations that distribute energy assistance need sufficient time to add staff capacity in order to manage the increased demand as well as the increased funding recently confirmed for Oregon from the American Rescue Plan of 2021 (ARPA) funds as well as the additional funding that we hope to see from House Bill 2739 this legislative session.

Multnomah County's Energy Assistance Program's experience guides our recommendations on the energy assistance piece of the structure that keeps Oregonians from disconnection. Our Energy Assistance Program has experienced high levels of demand for energy assistance throughout the pandemic. This high volume is consistent with the current times of economic crisis, with Multnomah County's position as the most populated county in Oregon, and with the reality that nearly a quarter of our community is energy burdened.²³

In the face of such high demand, express enrollment helped our Energy Assistance Program process Energy Assistance Stability Coronavirus Relief Program (EASCR) requests much more efficiently than programs for which that tool is not available. Express enrollment, along with tools that other advocates and agencies have identified, should help us manage increased demand for energy assistance. Our Energy Assistance Program and its community-based subcontractors will also need time to hire and train additional staff to both manage additional funds and meet the higher demand for energy assistance that will likely follow the end of the moratorium. Multnomah County's Energy Assistance Program continues working with its community-based subcontractors and other stakeholders on strategies to better process the high numbers of requests for energy assistance that it is seeing and continue to meet the needs of our community.

²³ Oregon Department of Energy, *County Profile: Multnomah County* (Nov. 1, 2020), <https://energyinfo.oregon.gov/2020-counties/2020/11/1/multnomah-county>.

V. The moratorium should be in place until the process in Staff’s third recommendation can run its course.

MCOS strongly supports Staff’s third recommendation that the PUC’s Diversity Equity and Inclusion Director work with an advisory committee convened under Paragraph 28 of the Stipulated Agreement to “analyze and discuss approaches to arrearage management; including, but not limited to, alternatives to disconnections in the post-moratorium period.”²⁴ This process would include “reexam[in]g reconnection] rules and analyz[ing] and discuss[ing] alternatives with the advisory committee.”²⁵ Reexamining disconnection rules is important because any families that fall through the cracks and are disconnected will face rules for reconnection that may be hard to meet for someone disconnected due to inability to pay.

MCOS strongly supports of convening the advisory committee soon given its potential to address issues that may reduce disconnections and the pain associated with lack of access to utility service. This is especially true about the process for reconnections. In the middle of a pandemic, any unnecessary hurdles to reconnection should be addressed before recommencing disconnections. For that and other reasons outlined in this letter, MCOS encourages the Commission to give that process time and adopt the moratorium on disconnections until April 1, 2022.

VI. Conclusion

Access to energy remains as essential to health and well-being today as it was in March 2020. This is especially true for the many community members who face existing health or social vulnerabilities that make them more susceptible to the impacts of COVID-19. The crisis is not over and its end remains uncertain. Therefore, the PUC should ensure that vulnerable community members are protected until the health and economic impacts of COVID-19 have truly subsided.

We must collectively recognize that none of the suffering or inequities that we have discussed through this process are new. Advocates have been sounding the alarm for years about people literally dying without heat and about families foregoing medicine and food to pay utility bills.²⁶ What is new is that COVID-19 deepened those tragedies and spread the crisis beyond traditionally at-risk communities. That, along with a year of uprising against anti-Blackness and other forms of racial injustice, have raised awareness of the suffering in our energy system, a topic we discussed daily but detached from its connection to the people our energy system is ultimately supposed to serve.

²⁴ Staff Report at 2.

²⁵ *Id.* at 37.

²⁶ See e.g. National Association for the Advancement of Colored People, *Lights Out in the Cold: Reforming Utility Shut-Off Policies as If Human Rights Matter* at vii, 14 (Mar. 2017), https://naacp.org/wp-content/uploads/2020/07/Lights-Out-in-the-Cold_NAACP-ECJP-4.pdf.

This process that began due to the pandemic has offered us an opportunity to do better. Together, we have taken positive steps, and still much remains to be done. Implementing a moratorium was an important step, extending it as the pandemic has continued has been another important step. MCOS sees an additional extension of the moratorium as another important step. Similar important next steps also include identifying and addressing gaps in the structure keeping vulnerable Oregonians from disconnection, and allowing the process in Staff's third recommendation to identify and incorporate additional best practices to better ensure the wellbeing of our community.

Respectfully submitted this 12th day of May, 2021.

Sincerely,

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