

June 15, 2021

Oregon Public Utility Commission

Re: UM 2114, Investigation into the effects of the COVID-19 pandemic on utility customers

Dear Commissioners,

We offer these comments in preparation for the June 23 workshop that will discuss “*specific characteristics...and circumstances*” through which key customers will be protected from shutoffs when disconnection notices resume for the general population¹.

We frame these recommendations in the knowledge that key stakeholders expressed that the best way to ensure affordable, reliable service during this pandemic, while minimizing administrative burden for all involved, was to ensure there would be no shutoffs through April 2022. Notwithstanding the fact that the hardest hit Oregonian ratepayers do not have the capacity to participate in public proceedings affecting them, Community Action Partnership of Oregon (CAPO), which represents and supports these ratepayers, made it clear that key large community action agencies would need more than the allotted time to ensure the hardest hit Oregonians don’t fall through the cracks. They requested a moratorium through at least September 30. The decision the Commissioners made places an undue burden on these agencies, their staff, and the families they serve, that they were clear they could not shoulder.

We are nonetheless committed to work with Commission staff to ensure specific protections are in place, and are grateful there will be a formalized and detailed process to protect key customers. Here are the details we suggest for your consideration.

1. The following customers should be protected through April 2022.
 - a. Customers who self-certify that they will be working to obtain energy assistance. At the June 23 workshop, stakeholders should discuss some sort of verification process through which utilities will keep record of customers who have said they will be working to obtain energy assistance.
 - i. This self-certification should involve minimal verification from customers. The steps to attaining energy assistance are extensive and are themselves a barrier to maintaining service; this additional step should minimize that burden.
 - ii. It is important to interpret the language “working to obtain low-income energy assistance” in Order 21-164 broadly and to allow for self-certification in order to account for the

¹ Order 21-164, pg. 3 <https://apps.puc.state.or.us/orders/2021ords/21-164.pdf>.

complicated reality of applying for assistance. Agencies' application processes are not back to pre-pandemic norms. Most agencies are conducting business primarily through mail/phone/email. It can take quite some time for clients to get through to an agency and then to receive an application or appointment. Processing, once received, then takes more time, as many applications are received with incomplete documentation. As this process unfolds, especially in the larger agencies, there can be hundreds of requests a day, and thousands of households somewhere in the application process. It is not a good use of funds for the agencies to take the administrative time and cost to track and report on these households, time and money taken away from processing applications and helping households who are already shouldering undue burdens. Since there are many parts of the process, and thousands of households will be somewhere in it, the least burdensome process for all involved is for it to be noted on their utility account once the household has provided a verbal indication that they are applying or contacting an agency for assistance.

- b. Customers with medical certificates and customers who have self-certified a medical certificate should be added to the protected list.
- c. The June 23 meeting should create space to discuss the best way to protect undocumented Oregonians from disconnection, since they are some of the most vulnerable members of our communities, but are also harder to protect from a confidentiality perspective.
 - i. As an example that protects confidentiality, utilities might ask ratepayers whether they have reason to believe they don't qualify for government assistance.
 - ii. These ratepayers have weathered the pandemic with limited support because they are not eligible to receive federal assistance and other safety net programs, including unemployment, stimulus checks or health insurance. We understand that they are also not eligible to access some customer-funded energy assistance programs, such as Northwest Natural's OLGA.
 - iii. As an example of the barriers facing these Oregonians, the devastating Almeda Fire last fall in Southern Oregon disproportionately impacted migrant and immigrant

communities, leaving many of these families and workers distraught in not knowing where to turn for assistance. They were scared to ask for government assistance in fear that they would be sought out by Immigration and Customs Enforcement, and expressed feeling unsafe when the National Guard were the gatekeepers to access their burned neighborhoods. This distrust is the cause of many years of facing racism, discrimination, and profiling.

- iv. SSN should not be required for access to customer-funded energy assistance or for access to protections from disconnection under Order 21-164.
- d. Those displaced by the 2020 or already-begun 2021 wildfire seasons should be exempt from disconnection.
 - i. Events such as the September 2020 wildfires, the most catastrophic in our state's history, disproportionately impacted historically disadvantaged and underrepresented communities in many rural areas of our state. In the Rogue Valley, the majority of the people displaced by the Almeda Fire and having the hardest time securing support and housing are low-income, Latinx, and/or elderly².
 - ii. These fire survivors have lost everything: past rent and utility bills, records, birth certificates, passports, SSN cards, etc. These important documents are hard to retrieve, can cost money, and take significant time and application steps, which becomes very difficult to those who may speak another language, are illiterate or digitally illiterate, cannot take time off, have children, or a number of other accessibility needs.
2. Identifiable information for any ratepayer should not be disclosed with other entities, including Immigration and Customs Enforcement or any other enforcement agencies or external parties. There are real risks if identifiable information is disclosed³.
3. The Commission needs to reopen considerations regarding severe weather moratoria.
 - a. Current rules⁴ require a moratorium on shutoffs for nonpayment on any day where the high forecast is less than 32°F. The Commission needs to expand definitions of cold, and incorporate broad definitions of hot, extreme weather events.

² Use Census tool at <https://onthemap.ces.census.gov/em/>; search for "Almeda fire."

³ <https://www.washingtonpost.com/technology/2021/02/26/ice-private-utility-data/>.

⁴ <https://secure.sos.state.or.us/oard/viewSearchRule.action>.

- b. The Commission should consider requiring air quality moratoria on disconnection for nonpayment when the Air Quality Index (AQI) is over a certain threshold, such as 100, or when there are local air advisories in a community.
 - i. The protective effects of being indoors when the outdoor AQI is high can vary widely, but the option of having electricity to power air filtration devices certainly is health protective for sensitive groups if the AQI is anything over 100 (Unhealthy for Sensitive Groups). In bad air quality events, access to air filtration could reduce particulate matter levels to 50% of outdoor levels. Without electricity, communities would not have the option of plugging in air filtration devices and would be subjected to the negative impacts associated with bad air quality.
 - ii. EPA data⁵ in Oregon shows that 10 days of 2020 were at an AQI above 100, 0 in 2019, and 7 in 2018.
- 4. Stakeholders should discuss utility disconnection practices (i.e. the threshold that triggers a disconnection notice) prior to July 15, as well as how utilities plan to approach disconnections after the moratorium ends. Stakeholders should also encourage utilities to incorporate in their disconnection practices approaches that mitigate impacts on vulnerable communities, as well as impacts on the agencies serving customers seeking energy assistance.
 - a. As an illustration of this issue, the data on small commercial disconnects included in Staff's May 6, 2021 Report⁶ suggests that utilities may have taken significantly different approaches to disconnections, with gas utilities disconnecting a significantly higher percentage of small commercial customers (0.43% to 0.59%) compared to electric utilities (0% to 0.04%).
 - b. Furthermore, Pacific Power expressed in its last AMP workshop that in other states it did not immediately send disconnection notices to all of its customers that met the usual notice threshold of \$100, but that it set a higher threshold that declined overtime.
 - c. We would appreciate exploring whether such deviations from traditional disconnection practices could mitigate impacts on customers currently at risk of disconnection.

⁵ <https://www.epa.gov/outdoor-air-quality-data/air-data-tile-plot>.

⁶ https://oregonpuc.granicus.com/MetaViewer.php?view_id=2&event_id=583&meta_id=29399.

Thank you for your consideration. We look forward to presenting these ideas, and others, in more depth at the June 23 workshop.

Sincerely,

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