



Oregon Citizens' Utility Board

February 19, 2021

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

Re: UM 2114 – Comments of the Oregon Citizens' Utility Board Regarding Disconnection Moratorium for Residential Customers

Introduction

Oregon Citizens' Utility Board ("CUB") respectfully submits these comments in advance of the Oregon Public Utility Commission's ("Commission") February 23, 2021 Regular Public Meeting, during which Commission Staff ("Staff") will present a memo regarding Docket No. UM 2114. Staff's memo, among other points, contemplates two distinct options regarding the energy utility service disconnection moratorium now in place through April 1, 2021, per the stipulated agreement. It is clear that the COVID-19 public health emergency affecting customers will not abate by April 1. Therefore, CUB recommends that the Commission extend the current disconnection moratorium.

CUB joined six workshops from June 30, 2020 to September 15, 2020; authored a COVID-19 Utility Consumer Protection Plan¹; and provided verbal comments at both the September 5, 2020 Commission Workshop, as well as the Commission's September 24 Special Public Meeting.

At the February 12, 2021 workshop, CUB expressed concern that allowing the moratorium to conclude on April 1, 2021 would harm residential customers. These comments further outline CUB's concern and articulate why it is in the best interest of residential customers, energy utilities, and the Commission to extend the moratorium beyond April 1, 2021.

CUB's primary concern with ending the moratorium on April 1, 2021 is that the COVID-19 pandemic—notwithstanding encouraging downward trends in terms of cases, hospitalizations, and deaths², as well as a slow but thankfully steady vaccination rollout³ with reportedly high efficacy⁴—remains dangerous, disruptive, and unpredictable. In particular:

¹ https://oregoncub.org/images/uploads-legacy/pdfs/COVID-19_UTILITY_Customer_Protection_Plan_081720docx.pdf

² <https://public.tableau.com/profile/oregon.health.authority.covid.19#!/vizhome/OregonCOVID-19Update/DailyDataUpdate>

³ <https://public.tableau.com/profile/oregon.health.authority.covid.19#!/vizhome/OregonCOVID-19VaccinationTrends/OregonCountyVaccinationTrends>

⁴ <https://www.nytimes.com/2020/11/20/health/covid-vaccine-95-effective.html>

1. The pandemic is worse in February, 2021 than at any point prior to the Commission order implementing provisions outlined in Docket No. UM 2114.
2. Emerging COVID-19 variants represent uncertainty and deserve cautious public policy.
3. Black, Indigenous, and other Communities of Color remain disproportionately impacted.
4. The majority of Oregon students continue to receive education outside of the classroom.
5. The Centers for Disease Control and Prevention and the Oregon Health Authority continue to recommend that persons exposed to COVID-19 quarantine.
6. Extending the current energy utility service disconnection moratorium is consistent with actions taken in both California and Washington.

The Pandemic is Worse Today

Between the public workshop on June 30, 2020 and the Commission’s Special Public meeting to consider the stipulated agreement outlined in Docket No. UM 2114 on September 24, 2020, the seven-day average for daily confirmed and presumed COVID-19 cases remained largely constant at around 250. Consistent with the experience of most other states across the country, Oregon experienced a prolonged and deadly “third wave” heading into November, 2020.

While, since mid-January, daily confirmed and presumed case counts in Oregon have fallen, the pandemic remains worse today than at any point between June 30 and September 24. Plainly, Staff and stakeholders involved in Docket No. UM 2114 deliberations agreed long before November, 2020 that Oregon’s viral load was sufficient to implement and maintain a moratorium on energy utility service disconnections as the result of customer non-payment, or otherwise. As of February 17, 2021, Oregon’s seven-day average for confirmed and presumed COVID-19 cases hovered around 400. This is higher than during the customer impact workshops:

Table 1: Seven-Day Rolling Average COVID-19 Case Counts⁵	
Workshop #1 - June 30	197
Workshop #2 - July 16	328
Workshop #3 - August 12	293
Workshop #4 - August 26	241
Workshop #5 - September 5	252
Commission Workshop - September 8	200

⁵ <https://www.nytimes.com/interactive/2020/us/oregon-coronavirus-cases.html>

Workshop #6 - September 15	176
Commission SPM - September 24	257
<i>Seven-Day Rolling Average Across Dates</i>	<i>243</i>

COVID-19 Variants: Uncertainty & Caution

CUB does not have epidemiological or public health expertise. That being said, CUB’s policy charge per Oregon Revised Statute 774.020⁶ is to both “...*forcefully and vigorously on [utility consumers’] behalf concerning all matters of public policy affecting their health, welfare and economic well-being.*” The basis for our growing concern as it relates to COVID-19 variants and their potential impact on Oregon’s ability to reach sufficient herd immunity is based on the work of the New York Times⁷ and other national news organizations.

Variants of the SARS-CoV-2 coronavirus that causes what we have come to collectively refer to as COVID-19 may represent a challenge for the public health community, here in Oregon and elsewhere. We need not look further than the countries of the United Kingdom, South Africa, and Brazil. Scientists continue to study how the variants that have emerged both domestically and abroad have already impacted or may yet impact both the transmissibility and mortality rate of the virus, as well as the immune response from available vaccines.

Notwithstanding emerging variants, those already genetically sequenced do appear to carry a higher transmission rate⁸, may contribute to higher mortality among patient groups, and may also reduce the efficacy of current vaccines. Yet it is still too soon to conclude how or if at all current or emerging variants may impact Oregon’s ability to reach sufficient herd immunity. We simply do not know and should, therefore, not rush to judgement from a public policy perspective.

The prudent approach when it comes to the current energy service disconnection moratorium is “wait and see.” It is reasonable to anticipate that epidemiological and public health experts will improve their understanding of existing and emerging variants, potentially as soon as this spring or summer. But until such time, CUB’s strong recommendation is to extend the moratorium.

COVID-19 & Disproportionate Impacts

Similar to the experience of other states, COVID-19 affects Oregon communities disproportionately. American Indian and Alaskan Native, Asian, Black, Hispanic, and Pacific

⁶ <https://www.oregonlaws.org/ors/774.020>

⁷ <https://www.nytimes.com/interactive/2021/health/coronavirus-variant-tracker.html>

⁸ https://www.nytimes.com/2021/02/14/health/coronavirus-variants-evolution.html?surface=home-discovery-vi-prg&fallback=false&req_id=115975968&algo=identity&variant=no-exp&imp_id=267668592&action=click&module=Science%20%20Technology&pgtype=Homepage

Islander communities represent just less than 20% of Oregon’s total population. Yet combined, these communities represent over 50% of COVID-19 cases to date, and more than 90 percent of COVID-19 related hospitalizations.

This last point bears repeating: Non-white Oregonians are roughly nine times more likely to be hospitalized from COVID-19 than white Oregonians. Drilling deeper: American Indian, Alaskan Native, and Pacific Islander Oregonians, who represent barely 1% of the state’s total population, have assumed nearly 19% of COVID-19 related hospitalizations.

At the same time, non-white Oregonians are less likely than white Oregonians to work from the relative safety and comfort of their homes, meaning they not only provide critical services for all Oregonians, they are more vulnerable to come in contact with COVID-19. Oregonians deserve better. Non-white Oregonians deserve better. Certainly, they do not deserve to have their energy utilities disconnected in the midst of an ongoing public health emergency.

Table 2: Oregon Health Authority COVID-19 Demographic Data (February 17, 2021)⁹			
Racial / Ethnic Identity	Approx. % Oregon 2020 Population	Approx. % Total COVID-19 Cases	Approx. % Total COVID-19 Hospitalizations
American Indian / Alaskan Native	1.1%	1.7%	8.2%
Asian	4.1%	3.1	6.4%
Black	1.8%	2.4%	7.1%
Hispanic (ethnicity)	12.3%	26.4%	4.3%
Pacific Islander	0.003%	.9%	10.5%
White	81.3%	48.4%	6.8%

Oregon Students & Distance Learning

As of February 17, 2021, 62% of Oregon students were operating under either a fully remote or largely remote with limited in-person instructional model. Another 18% of Oregon students were operating under a hybrid distance/in-person instructional model. The remaining 20% of Oregon students have returned to the classroom on a full-time basis.

⁹ <https://public.tableau.com/profile/oregon.health.authority.covid.19#!/vizhome/OregonCOVID-19CaseDemographicsandDiseaseSeverityStatewide/DemographicData>

The last point bears repeating: As of February, roughly 110,000 of Oregon’s enrolled K-12 students have returned to the classroom on a full-time basis. Put yet another way: approximately 450,000¹⁰ K-12 students are learning at home on either a full- or part-time basis.

Plainly, due to the ongoing public health emergency, Oregon has been forced to temporarily close the majority of schools that would otherwise provide an array of essential services for Oregon students. The service disconnection moratorium must not lapse while the majority of Oregon students continue to receive their instruction from home.

Public Health Recommendation & Quarantine Period

The Centers for Disease Control and Prevention and the Oregon Health Authority continue to recommend that persons that have been exposed to COVID-19 quarantine for seven to fourteen days depending on the sufficiency and availability of testing resources¹¹. Quarantining requires a safe place that allows someone to avoid contact with others. Disconnecting energy utility services is a significant barrier to quarantining per the recommendation of public health experts

Continued Leadership & Conclusion

It is in the best interest of all parties participating in Docket No. UM 2114 to extend the energy utility service disconnection moratorium beyond April 1, 2021. California and Washington have extended their spring moratoriums. California extended their disconnection moratorium until June 30, 2021. Washington extended theirs until July 31. CUB understands that Staff’s proposal would prevent 14-day disconnection notices from going out until the mid-June, effectively aligning Oregon’s moratorium policy with California’s. CUB believes that Oregon should extend our moratorium into the summer. Commission Staff should facilitate a review process before lifting the extended moratorium to ensure that the COVID-19 pandemic no longer represents a public health emergency. The stipulated agreement outlined in Docket No. UM 2114 positioned Oregon as a true leader, not just on the West Coast, but across the country, in response to the COVID-19 pandemic. Oregon should continue leadership on in its pandemic response. CUB strongly encourages the Commission to recognize the public health emergency by extending the current moratorium beyond April 1, 2021.

Respectfully,



Bob Jenks, Executive Director



Samuel Pastrick, Advocacy Manager

¹⁰<https://www.oregon.gov/ode/reports-and-data/students/Pages/Student-Enrollment-Reports.aspx>.

¹¹ <https://www.cdc.gov/coronavirus2019-ncov/more/scientific-brief-options-to-reduce-quarantine.html>