

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

Illinois Commerce Commission)	
On Its Own Motion)	
)	
)	ICC Docket No. 20-0309
)	
In the Matter of Moratorium on Disconnection)	
of Utility Services during the Public Health)	
Emergency Declared on March 9, 2020)	
pursuant to Sections 4 and 7 of the Illinois)	
Emergency Management Agency Act)	

**VERIFIED RESPONSE COMMENTS OF
THE CITIZENS UTILITY BOARD**

The Citizens Utility Board (CUB), in accordance with the Notice of Administrative Law Judge’s (ALJ) Ruling in this proceeding dated March 30, 2020 and the oral ruling of the ALJ at the April 2, 2020 status hearing, hereby jointly file their Verified Response Comments, responding to the March 27, 2020 filings of various utilities required by the Illinois Commerce Commission’s (Commission or ICC) March 18, 2020 Emergency Interim Order in this proceeding.

INTRODUCTION

In this Verified Response, CUB offer its comments on the previously filed Responses of utilities to the questions posed in the Commission’s March 18, 2020 Emergency Order (EO). The utilities filing responses are referred to collectively as the Responding Utilities.¹

¹ The utilities filing responses were Commonwealth Edison Company (ComEd), Peoples Gas Light & Coke Company & North Shore Gas Company (North Shore Gas), collectively PGL/NS, Northern Illinois Gas Company d/b/a Nicor Gas Company (Nicor), Consumers Gas Company, Ameren Illinois Company (Ameren), Illinois Gas Company, Mid-American Energy Company (MidAmerican), Mount Carmel Public Utility Co., Liberty Utilities, Aqua Illinois, Inc., Illinois-American Water Company, and Utility Services of Illinois, Inc. Collectively they are referred to as the Responding Utilities.

Either voluntarily and earlier than the Commission’s EO, or upon receipt of that order, Illinois utilities have implemented at least the accommodations mandated by the Emergency Order, which ordered a moratorium on disconnections of service for non-payment and suspension of certain late payment fees and penalties. A number of utilities have gone further, with various policy or practice adjustments of their own. This filing presents CUB’s assessment of proposed changes in the Responding Utilities’ disconnection, bill payment, and collection practices.

CUB also proposes further modifications and enhancements to certain utility proposals compelled by practical difficulties attributable to the COVID-19 pandemic or by a failure of utility-proposed accommodations to achieve the objectives of the Emergency Order – to “ensure that essential utility services that are required to maintain public health and safety during this global pandemic emergency are available to all customers.” EO at 3. To summarize, CUB’s recommendations for changes to existing billing, payment and disconnection rules in Part 280 of the Commission’s Rules are as follows:

- **Disconnection Notices** – utilities should continue to notify all households at risk of disconnection of these emergency shut-off protections for at least 6 months following the expiration of the state of emergency.
- **Deposits for New Service or Reconnection** – should be waived for 12 months following the end of the state of emergency.
- **Debt Collection** - each utility should suspend all debt collection activities for accounts placed with collection agencies.
- **DPAs** – for 12 months following the end of the state of emergency:
 - Down payments/deposits for DPAs should be waived.
 - Term should be increased to 24 months for all customers.
 - Eliminate interest and carrying charges on the past-due balance.
 - Customers that default on existing DPAs should be offered the opportunity to reestablish the payment terms

- **Self-certification** - hardship accommodations should be available to anyone that attests to financial hardship
- **Utility Outreach** – the Commission should direct utilities to engage in customer outreach and education to inform customers about LIHEAP and other forms of aid, as well as revised billing, collection and disconnection practices and opportunities to reduce usage and lower bills through energy efficiency.
- **Data Collection** – for each utility, the Commission should collect and make public data that tracks uncollectables, number of payment arrangements, number of payment arrangement defaults, number of revised payment arrangements, disconnections, reconnections, duration and frequency of disconnections and other relevant data points.

DISCUSSION

A. **The Commission Should Order a Consistent, Minimum Slate of COVID-19 Pandemic Accommodations By All Illinois Utilities**

The Emergency Order directs immediate changes in utilities’ Part 280 disconnection, billing, and payment policies, to respond to impacts of the current COVID-19 virus pandemic and the associated economic crisis. The public health crisis has occasioned extraordinary governmental stay-at-home and business closure directives, which have, in turn, severely curtailed all non-essential social and economic activity. *See, e.g.*, Ameren at 4, ComEd at 2, n. 2 and 6. More directly, the Commission responded to requests from the Governor and Attorney General of Illinois for a moratorium on shutoffs for non-payment of essential utility service. EO 1. Their requests were based on a reality the Emergency Order acknowledges, “it is critical that public utilities, including all Illinois electric, gas, water and sewage utilities across the state ensure that Illinois residents remain connected to essential utility services.” EO at 2.

Illinois residents cannot safely follow public health directives “to remain at home” without continuous utility service. EO at 4. Similarly, the order recognizes the economic effects of the pandemic and public health directives. Consumers who are suddenly without jobs or

income, directly affected by the virus (whether as a victim or a caregiver), or in need of help from underfunded assistance programs “may be unable to adhere to utility payment deadlines.” Cognizant of the psychological impact of unnecessary stressors under such conditions, the Commission also ordered that utilities “cease giving notice of disconnection[s]” that it has barred. EO at 4. The Emergency Order anticipates a second interim order in this proceeding, at the expiration of the current directive. EO at 7. The Commission’s determinations in that order – of appropriate extensions, modifications and, or expansions of the accommodations ordered on an interim basis in March – must be equally perceptive.

Consumers’ worries about available employment and regular income are likely to persist for many months. Uncertainty about any changes to their rights, their obligations, or the status of their essential utility services adds unnecessary stress for already anxious consumers. In the midst of frequent updates from public health officials, consumers are challenged to keep abreast of life-affecting information and directives. Creating a need for consumers to track and to parse individual utilities’ unique, fluid (*see e.g.*, Ameren at 2) policy changes is an easily avoided misstep.

Currently, in Chicago, about 650,000 households have an annual income of \$50,000 or less,² and likely have little to no ability to save money. Take for example a household with an annual income of \$40,000 to \$50,000. If the primary income earner were to lose their job, assuming an estimated weekly unemployment benefit of about \$430³ would only cover about

² ZipAtlas, Chicago, Illinois Zip Code Map and Detailed Profile, *available at* <http://zipatlas.com/us/il/chicago.htm#income>.

³ Unemployment benefits are assumed to be 50 percent of weekly income.

75% of basic necessities (housing, food and healthcare).⁴ With no savings and no replacement source of income, these households would have trouble paying utilities.

Over the next one to two months, if unemployment were to rise to 10-20 percent (matching or exceeding peak rates in 2010⁵), about 65,000 to 130,000 households earning \$50,000 or less may be unable to pay their utility bills. Assuming an average cost of gas and electric utilities of about \$25-30 per week,⁶ this would result in an estimated \$8 to \$15 million in monthly gas and electric utility bills across Chicago that could be at risk of not being paid in full without additional accommodations or support. While this does not take into account households that participate in payment assistance programs like LIHEAP or company assistance, such programs are limited in capacity.

The Emergency Order directly addresses the need for continued accommodations during the periods after expiration of the EO and after the pandemic emergency ends. For the reasons articulated in the Emergency Order (at 4), utility policies must match the extraordinary nature of the public health and economic challenges facing Illinois utility consumers for the foreseeable future. Just as important, the circumstances require clarity and consistency – across all utilities – in the scope and particulars of the ordered changes to billing, credit and collection policies and procedures governed by Part 280 of the Commission’s Rules (83 Ill. Admin. Section 280).

⁴ U.S. Bureau of Labor Statistics, Consumer Expenditure Survey, Table 3113 – Midwestern region by income before taxes: Average annual expenditures and characteristics, *available at* <https://www.bls.gov/cex/2017/CrossTabs/regbyinc/xregnmw.PDF>. CUB compared its assumed weekly unemployment benefit against the average cost of the three types of basic necessity.

⁵ BLS, State unemployment rates in 2010, *available at* https://www.bls.gov/opub/ted/2011/ted_20110301.htm?view_full.

⁶ BLS Consumer Expenditure Survey, Table 3113, *supra* note 4. While the BLS defines the utility cost category more broadly than gas and electric service, in the City of Chicago, gas and electric utilities were required to respond to the Commission’s Emergency Order.

Anxious consumers must know what accommodations utilities are required to provide and what relief they can be confident is available.

The Commission's Emergency Order directives are an effective response for the short term of its emergency authority. EO at 3. However, any extension of those mandates should also clarify how they should be implemented. Though the Emergency Order requires that "temporary flexible collection procedures should apply to all classes of utility customers," how flexible those arrangements must be is not specified. For example, while late payment penalties are stopped, at Commission direction, the Responding Utilities do not uniformly report their plans regarding reports to credit agencies or directions to their collection agents. ComEd Response at 8 (example of a utility that does discuss this particular issue). The Commission must provide more complete descriptions of the intended effects of its already ordered (and potentially extended) accommodations.

As a group, the Responding Utilities have considered an extensive list of possible accommodations that comply with the Commission's emergency mandates or respond to the need for continued adjustments post-emergency. However, with respect to both implementation of the emergency mandates and proposals supplementing the emergency directives, the Responding Utilities' proposals are not consistent, and they will be difficult for consumers to follow. Accommodations a consumer hears about from her gas supplier may not be available from her electricity supplier. Particular accommodations discussed on the evening news may not be offered by any of a consumer's local utilities. Tracking whether and how even a single utility may have modified available accommodations over time, (*see e.g.*, Ameren Response at 2), needlessly burdens consumers, when they are properly more focused on household safety, health, and job recovery.

The Emergency Order’s own initial directives adopt the proper approach – a uniform, minimum slate of accommodations, which every Illinois utility consumer can be assured is available. CUB strongly endorses that approach in the anticipated second interim order. Collected “best practices” from the Emergency Order and from the Responding Utilities’ filings should comprise that base (minimum) slate of universally available pandemic accommodations.

These adjustments must be maintained during the period of the public health emergency, and (as contemplated by the Commission’s announced follow-on proceeding) throughout the unavoidable transition period to more normal economic circumstances.⁷ Finally, and especially in this era of unprecedented challenges, the flexibility that Part 280 grants utilities – to act more favorably for consumers than regulations require – must be maintained, and where circumstances indicate, used.⁸

B. The Commission’s Post-Emergency Period Customer Accommodations Must Account for All Special Conditions Relevant to Utilities’ Part 280 Practices

The Emergency Order is based on reported impacts of the COVID-19 pandemic and related governmental directives in Illinois. The larger scale environment alone, however, does not adequately define the special conditions that can determine the success or failure of modified Part 280 practices. Several such conditions (discussed below) are sufficiently important – especially for low-income consumers – that they merit targeted, specific accommodations.

⁷ CUB does not object to small adjustments in how to achieve these objectives, for an individual utility that can show a particular need for its proposed modifications.

⁸ “Utilities that are subject to this Part shall have the ability to expand or supplement the customer rights guaranteed by these provisions as long as those policies are applied in a nondiscriminatory manner. The “nondiscriminatory manner” requirement shall not be construed or interpreted to require a utility making an accommodation to a customer in a hardship situation to make that same accommodation for all customers facing a similar hardship.” 83 Ill. Adm. Code 280.5.

1. Some Emergency Order Mandates Require Clarification for Continued Implementation

As noted earlier, some of the Commission's mandates may need clarification, if they are to operate effectively and consistently for consumers during the extended periods following expiration of the Emergency Order. The Responding Utilities reveal differences (or at least lack of clarity) in the details of implementation.

Disconnection Notices. In compliance with the Commission's Emergency Order, utilities are required to notify all households at risk of disconnection of these emergency shut-off protections. EO at 5. This directive should stay in place for at least 6 months following the expiration of the state of emergency, as the number of customers eligible for disconnection is likely to rise, especially for those customers that either do not avail themselves or are unaware of the revised deferred payment arrangement (DPA) accommodations. It is entirely foreseeable that the many customers who have lost employment income (or revenue in the case of small businesses) during the emergency will have larger than usual utility bills due. First, disconnection notices must not be sent until the utility and consumer have exhausted all alternatives, including DPAs. Where there is a DPA in place, no notices should be issued until the DPA has failed – a status that would be declared only after unsuccessful follow-up efforts to revise the DPAs. A DPA failure that prompts a disconnection notice should also include a grace period of 30-45 days, which should be a standard DPA implementation feature, providing a final opportunity for recovery from a sudden, unprecedented income disruption. Extraordinary circumstances, unlike anything nearly any Illinoisan alive has ever experienced, call for extraordinary adjustments.

Disconnection notices, whether during the emergency or post-emergency period, must clearly and conspicuously include information and instructions for accessing available alternatives to the loss of essential services – including DPAs, budget billing, and government or utility assistance funds. For combination utilities, gas and electric arrearages must be separately stated, since many customers may have to make difficult choices about the “more essential” utility service.

Debt Collection. At a minimum, each utility should suspend all debt collection activities for accounts placed with collection agencies. ComEd has committed to suspend sending newly delinquent accounts to collections during the Moratorium Period. This should be required of each utility and should extend for a period of one year after the state of emergency. The suspension of activity should include stopping any “reminders” from collection agents and cessation of adverse reports to credit reporting agencies.

Other Utility Communications. The communications described by the Responding Utilities range from reassuring and informative e-mails (ComEd 6) to reminders (beyond regular billing) of outstanding debt (Ill-Am Water 2). While utility outreach will be critical to informing customers of their rights, for consumers deprived of income by a public health emergency and uncertain when (or if) they can return to employment, ill-considered contacts can be distressing to customers and unhelpful for the utility. The Commission should encourage utilities to exercise more than the usual care in the circumstances. In addition to notifying all households at risk of disconnection of these emergency shut-off protections, the Commission should also direct utilities to conduct additional outreach and customer education to inform customers – *i.e.* through their websites, email, electronic billing communications, and/or direct mail – of the

interim reconnection and payment processes described in its Emergency Order and recommended herein.

2. *Limited Access to Employers, Assistance Agencies, or Doctors Requires Accommodations Regarding Consumer Status Documentation*

The documentation (or alternative procedure) required for access to low income or hardship accommodations, during and after the pandemic emergency, is not consistent across utilities. The standards of acceptable documentation should be uniform. Using practically unobtainable LIHEAP, medical, or workplace documents/certifications as pre-conditions to assistance programs or special Part 280 accommodations⁹ would defeat the purposes of existing low-income or hardship programs, and of the Commission's order for emergency accommodations that respond to pandemic conditions. Many consumers who previously did not meet low-income criteria, before pandemic-caused unemployment or other economic disruptions, will now face severe financial difficulties. Appropriately, they will seek hardship accommodations from their serving utilities. Lacking documents from prior contact with energy assistance agencies, these consumers will face possibly more daunting difficulties when trying to prove low-income or hardship status. The Commission must align the utilities' financial certification requirements with that reality.

The utility-focused LIHEAP program warrants special mention. The state's LIHEAP application processes are at a virtual standstill, and funding is chronically below need. That need is certain to increase under the current conditions, even with additional funding through the recently enacted federal CARES Act. Reduced or uncertain staffing, limited permissible public contact, and increased consumer demand will exacerbate already large backlogs in processing

⁹ See e.g., ComEd at 5-8 (requiring LIHEAP grants, medical certificates, written terminations, unemployment insurance applications).

energy assistance applications at governmental and non-governmental low-income agencies. The struggle to handle pandemic-generated loads on the state's various online intake sites (since many offices are closed to the public) are the subject of daily news stories.

It appears that only ComEd (at 5) clearly delineates its threshold documentation for access to special status accommodations and more flexible payment, deposit and DPA terms, but its proposals are very illustrative. Many of the written materials ComEd plans to require may be very difficult to acquire under pandemic conditions – while consumers are under stay-at-home directives and employers, assistance agencies, and medical contacts are either not operating or unreachable.

To access hardship accommodations, ComEd plans to require that consumers produce “an application for unemployment benefits, pay stubs showing a change in pay, or an employment termination notice.” ComEd at 5. Overburdened government assistance offices and sudden business closures without written notices to workers may prove to be formidable barriers. Even when accommodations are planned, the substitute documentation (or alternative procedure) required for access to special low income or hardship accommodations is not consistent across utilities. It should be.

The special challenges of obtaining relevant documentation call for lowering and for standardizing documentation requirements. ComEd moves toward this approach for some (though not all) of its accommodations. For new service connections, when ComEd and its credit check agency are unable to validate the applicant's identity, the utility commits that they “will work with the customer over the phone to try to verify the customer's identity.” ComEd at 6-7.

The difficulty of finding practical alternatives is illustrated by ComEd’s attempt to identify substitutes for letters from physicians, to access its Hospital-Based Energy Assistance for Long-Term Health Program. The permitted letters from a registered nurse or a social worker may also require prohibited travel/contact with equally overwhelmed professionals. Some employees may have been dismissed suddenly, without written notices of termination or business closure. Overburdened or inoperative business and governmental systems present a practical inability to obtain proof of income or financial hardship while those conditions persist. Existing rules now require the utilities to accept an initial phone call which has to be followed up by a letter. During this interim period, CUB proposes that only of these methods be required. The Commission should direct utilities to accept alternative documentation in lieu of a medical letter from the primary physician or nurse practitioner during this interim period.

During a pandemic that has caused massive economic and medical disruptions, while simultaneously stifling normal certification processes, consumer self-certification appears to be the only practicable approach. To “ensure that all customers remain connected to essential utility services” (EO at 4), the Commission should direct utilities to permit self-certification by consumers as an alternative, to access needed accommodations. To accomplish this, customers could attest to the fact that they have applied for or received or have pending applications for income-qualified benefits.

3. *Effective DPA and Deposit/Fee Accommodations Must Recognize Special Pandemic Related Economic Burdens. Details Are Critical.*

a. *Deferred Payment Arrangements (DPAs)*

Down Payments. In the current circumstances, millions of households and small businesses – without assured employment and income, or any income at all – will be adversely

affected by monetary barriers to accessing essential utility services and Part 280 assistance provisions. Customers under extreme distress from economic disruptions of the pandemic will require the economic relief provided by DPAs. Yet, customary barriers to DPA entry would put these vulnerable customers at particular risk, because Part 280.120(f) requires a deposit of 25% of the past due amount from non-low income customers and Part 280.125(b) requires a 20% deposit for low income customers. While these sections allow for utility discretion to decrease the amount of the deposit or extend the time over which the deposit is amortized, the default provisions should be relaxed to accommodate the unprecedented circumstances.

For consumers seeking DPAs, the Commission should direct utilities to waive down payments when triggered. The pandemic's extraordinary economic pressures are likely to deplete consumers' cash on hand, and to continue for some time. The more appropriate standard accommodation during this time should be a waiver of the deposit requirement, since many consumers seeking DPAs will have been without income for months (certainly weeks) and lack the savings required for a lump sum payment.

Default Term. In addition, the uncertain duration of the pandemic emergency requires an adjustment of standard DPA term lengths. The default and individual maximum DPA terms must not be based on past practice or hopes of a fast return to "normalcy."¹⁰

Several of the Responding Utilities recognize that a realistic pandemic-era DPA term must be longer than is currently provided. However, their proposed accommodations again are not consistent. For non-low income consumers, Ameren proposes an 18-month DPA period, while ComEd proposes 24 months for the same consumers. Ameren at 5; ComEd at 6. Both

¹⁰ Utilities also should clarify whether, and how, they will manage combining DPAs and budget billing arrangements.

utilities propose to use a 24-month default DPA term for low-income consumers. Ameren at 5; ComEd at 6. Peoples Gas and North Shore Gas propose to eliminate deposits on DPAs, yet limit the period to 12 months, and also propose longer DPA terms for commercial and industrial customers. Peoples Gas/North Shore at unnumbered page 4. Universal, consistent (longer) DPA periods that consumers can rely on having available should be mandated.

CUB recommends that a period of 24 months for all consumers be standard across utilities, for DPAs entered into during the 12 months following the end of the state of emergency. Even with longer default DPA terms, utilities will retain the ability to reach balanced agreements with consumers. The Commission should make clear that utilities may exercise discretion and flexibility to address individual consumer circumstances with even longer payment periods or more accommodating arrangements when consumer circumstances warrant. (Given the current extreme economic pressures, the Commission should encourage such attention to individual consumer need.) At the same time, consumers who are able can agree to deferred payment periods shorter than the default. Consumers currently on DPAs could eliminate their debt in less than the default DPA term, since there should be no penalties for prepayment under a DPA.

Additionally, for DPAs entered into during the 12-months following the end of the state of emergency, the Commission should direct utilities to eliminate interest and carrying charges on the past-due balance. Currently if a customer defaults on a DPA, customers would work with the utility to reinstate the DPA, pay a reinstatement fee and pay back all of the missed installment payments. 83 Ill. Admin. Section 280.120(j), (k). These requirements should also be relaxed. Any customers that have existing DPAs should be offered the opportunity to reestablish the payment terms under the revised DPA accommodations if they cannot afford the one they have now.

b. Deposits and Miscellaneous Fees/Penalties

The Responding Utilities proposed varying deposit requirements for initiating or reconnecting utility service. Some utilities were silent on the topic. Peoples Gas/North Shore addressed the issue by stating that it will not assess customer deposits during the time that this proceeding's flexible payment arrangements are in place. PGL/NS at unnumbered pages 3-4. The Commission should order all utilities to adopt the Peoples Gas modification. Removing the deposit hurdle will help consumers and businesses resume their economic lives more quickly, which benefits utilities as much as it benefits those utilities serve.

Similar variety is observed in utility responses on miscellaneous penalties or fees associated with Part 280 interactions with consumers. For the reasons emphasized at the outset in these comments, the Commission must assure that the rights and obligations of customers (and utilities) associated with these aspects of service access, billing, and collection are responsive to the unique circumstances of this pandemic, consistent across utilities, and communicated clearly to affected consumers. Understandably, in this unprecedented environment, evidence for specific amounts, periods, or treatments are the right ones for a pandemic is scarce. However, the Commission should nonetheless mandate consistent, clear relief that consumers can confidently expect to be available. Only utilities have an assured opportunity for later recovery of economic impacts.

4. *Energy Efficiency Initiatives*

Activity on utilities' energy efficiency initiatives will likely be severely curtailed by governmental social distancing directives, constraints on non-essential business, and other public health mandates to minimize virus transmission. However, some advances or mitigating activities in this area are possible. *See Ameren 7-8.* Well-designed interim measures can

maintain Illinois' forward momentum on new energy/environmental policies. Continuing utility-consumer communication in this program area can keep interested consumers engaged, educate others about energy efficiency, and continue to provide all consumers with ways to reduce utility bills. Ameren 7-8. Project planning with affected consumers can also continue. Special emphasis should be placed on measures that can assist residential, business and public sector consumers in responding to the pandemic. The Commission should encourage utilities to engage in customer outreach and education efforts regarding energy efficiency actions customers can take during the crisis to mitigate utility bills.

5. *Utilities' Role in Customer Education and Assistance*

This regulatory proceeding is emblematic of the rapid pace of changes in society and commerce to deal with the COVID-19 virus and its effects. Utility service is just one in an avalanche of financial and logistical challenges consumers are facing. The burden of remaining informed about access to utility services is a challenge this proceeding should endeavor to minimize. CUB has proposed that uniform, universally applicable accommodations be adopted, to define clearly understood accommodations consumers can rely upon, and to reduce the need for consumer education and re-education, over time.

CUB recognizes that the current environment is likely to change – perhaps significantly – before Part 280 utility practices can approach a return to normalcy. Indeed, as conditions change, the special accommodations defined in this docket may also need to change. Utilities are uniquely positioned to reduce the burden on their customers as to both initial accommodations regarding emergency utility disconnection, billing, and collection practices, and any later re-education required by subsequent modifications.

From their filed responses, it appears that many utilities recognize that advantage and have already begun to engage consumers more proactively. ComEd at 6-7; Ameren at 6. Expanded utility action in this sphere can assist consumers by providing more than just regulator-required disclosures or information about only its own policies and practices.

As expert sources on utility matters, and one of the few areas of commerce still operating, utilities can reach their customers with credible information on topics of critical importance in maintaining essential services. In addition to timely information in its required notices, the Commission should encourage broader, proactive utility engagement and education. The Commission also should consider delineating in its orders the areas where utilities are encouraged to use their unique expertise and experience -- and which are especially important in this emergency. The kinds of information and assistance utilities are best-positioned to provide include:

- Information on LIHEAP for low-income consumers, including contacts and application procedures;
- Information and application procedures for the utility's own assistance fund;
- Contacts for and information on local government assistance or programs; and
- Local charitable organizations with which the utility works.

As Ameren noted: "Customers often wrongly assume that the Company is indifferent to their circumstances and that there are no options/no sources of assistance available to help them retire their debt for utility service." Ameren at 6. Ameren has seen success in reaching out to its customers with an invitation to talk with customer service representatives about the customer's individual circumstances, with information on potential alternative payment arrangement or

programs, and to provide connections to sources of assistance. *Id.* The Commission’s order should encourage such utility initiatives.

C. Data Collection

The current extraordinary conditions present an opportunity for utilities and policy makers to collect data under stress conditions we must hope never arise again. As the Commission recognizes in the Emergency Order (4), the post-emergency period will have continued (or new) challenges for the Commission, utilities, and consumers. All stakeholders will be better served if the Commission’s decisions on post-emergency (and other long-term) issues are informed by the data that can be collected during this period.

The value of such data has been recognized by leading industry organizations, even before the unique comparison data resulting from the COVID-19 pandemic. “NARUC and NASUCA¹¹ recognize the value of evidence-based¹¹ policy making to improve outcomes for both utilities and customers.” NASUCA Resolution 2019-07 at 2. The policy makers in those organizations also recognize that “data collection and sharing play an integral role in providing information for developing evidence-based policies.” NASUCA Resolution 2019-07 at 2.

The NASUCA Resolution provides a well-vetted list of data points that should be tracked during and after this unique period of disconnection, bill payment, and collection activity, as well as a process for public reporting of results. The resolution encourages stakeholders to pursue delineated steps to capture data needed to enable evidence-based policies.

[S]tates should consider requiring utilities to (1) collect monthly data that tracks uncollectables (*sic*), number of payment arrangements, number of payment arrangement defaults, number of revised payment arrangements, disconnections, reconnections,

¹¹ National Association of State Utility Consumer Advocates, Resolution 2019-07, Nov 18, 2019 (NASUCA Resolution 2019-07), available at <https://www.nasuca.org/advocacy/resolutions>.

duration and frequency of disconnections and other relevant data points; (2) make the data publicly available on a monthly basis, delineated by general residential customers and low-income customers, and (3) file the data with state public utility commissions to be published on the public utility commission's website so that policy makers might have access to sufficient, objective and granular data for forming public policy aimed at protecting the public health, safety and welfare.

These data will be required as the Commission considers or reviews post-emergency revisions of its emergency requirements and longer-term adjustments. EO 4. The need for new approaches to chronic affordability problems for essential utility services -- which have been exacerbated by pandemic impacts -- almost certain to become more acute. Policy makers will require this information to develop informed and effective evidence-based policies. *See* ICC Investigation 20-NOI-01.

The recommended open reporting of collected data also can assist local governments and others in identifying areas of need where support services should be targeted. In this regard, zip code level data would be most helpful. Where data valuable to the Commission and other governmental/public service entities can be relatively easily be collected, such as here from regulated essential services providers, there is a public duty to act.

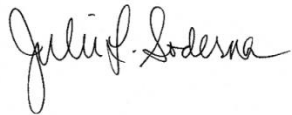
D. Recovery of Foregone Fees/Revenues and Special Costs

The Emergency Order recognizes that utility revenue stream disruptions and unanticipated costs are unavoidable consequences of the pandemic and resulting Commission directives. The Commission has directed that all utilities track such effects "to enable a meaningful future Commission review of the reasonableness and prudence of such spending, as required by the Act." EO at 5.

The pace and scope of this proceeding do not permit any such meaningful review now. Indeed, the scope and magnitude of the pandemic's financial impacts is almost completely unknown. Any action in this docket that might be perceived as (or argued to be) a determination on future treatment of pandemic-related impacts would be premature. The Commission must explicitly postpone any determinations of rate treatment of the pandemic's financial effects beyond the anticipated May 1 Second Interim Order in this docket. Only after the fact can the Commission make informed decisions about appropriate costs, recovery periods, or the effect of a prolonged economic disruptions on traditional rate issues.

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