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**People's Counsel**

October 2, 2020

Brinda Westbrook-Sedgwick  
Commission Secretary  
Public Service Commission of the  
District of Columbia  
1325 G Street, NW, Suite 800  
Washington, DC 20005

**Re: Formal Case No. 1164, In the Matter of An Inquiry into the Impacts of the  
COVID-19 Pandemic on District Utilities and Consumers**

Dear Ms. Westbrook-Sedgwick:

Enclosed for filing in the above-referenced proceeding, please find the *Motion of the Office of the People's Counsel for the District of Columbia Requesting the Public Service Commission Take Judicial Notice of Maryland Order 89636 and Take Immediate Steps to Develop Relief Measures to Assist Consumers in Anticipation of the Termination of the Public Health Emergency*.

If there are any questions regarding this matter, please contact me at [bburton@opc-dc.gov](mailto:bburton@opc-dc.gov). Thank you.

Sincerely,

/s/ Barbara L. Burton

Barbara L. Burton  
Assistant People's Counsel

Enclosure

Cc: All parties of record

**BEFORE THE  
PUBLIC SERVICE COMMISSION  
OF THE DISTRICT OF COLUMBIA**

<b>In the Matter of</b>	§	
	§	
<b>An Inquiry into the Impacts of the Covid-19</b>	§	<b>Formal Case No. 1164</b>
<b>Pandemic on District Utilities and Consumers</b>	§	

**MOTION OF THE OFFICE OF THE PEOPLE’S COUNSEL FOR THE DISTRICT OF  
COLUMBIA REQUESTING THE PUBLIC SERVICE COMMISSION TAKE JUDICIAL  
NOTICE OF MARYLAND ORDER 89636 AND TAKE IMMEDIATE STEPS TO  
DEVELOP RELIEF MEASURES TO ASSIST CONSUMERS IN ANTICIPATION OF  
THE TERMINATION OF THE PUBLIC HEALTH EMERGENCY**

**I. INTRODUCTION**

Pursuant to Rule 105.8 of the Rules of Practice and Procedure of the Public Service Commission of the District of Columbia (“PSC” or “Commission”),<sup>1</sup> the Office of the People’s Counsel for the District of Columbia (“OPC” or “Office”), the statutory representative of District of Columbia ratepayers/consumers with respect to utility matters,<sup>2</sup> respectfully requests the Commission move forward immediately to develop solutions to mitigate the negative impacts of COVID-19 on District public utility ratepayers before the expiration of the public health emergency on December 31, 2020. Nothing bars the Commission from accelerating its review of the impact of COVID-19 on the District’s ratepayers and consumers and developing responses now. OPC respectfully recommends the Commission create a forum where utility companies and interested stakeholders can provide information regarding the impact of COVID-19 on utility

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<sup>1</sup> 15 DCMR § 105.8 (Lexis 2020).

<sup>2</sup> D.C. Code § 34-804 (Lexis 2020).

consumers and proposals can be developed for implementation, without undue delay, once the public health emergency is lifted.

## **II. BACKGROUND**

On March 11, 2020, the Mayor of the District of Columbia declared a public health emergency to control and prevent the spread of COVID-19.<sup>3</sup>

On March 17, 2020, the District of Columbia Council passed the COVID-19 Response Emergency Amendment Act of 2020 (“Emergency Act”). Among other things, the Emergency Act prohibits “electric and gas companies, respectively, from disconnecting customers for non-payment of bills or fees during the public health emergency or for 15 calendar days thereafter.”<sup>4</sup> The Mayor’s belief in March that re-opening of the District—including, re-opening government offices, non-essential businesses, schools, etc.—may not occur as originally estimated on May 18 was correct; indeed, the public emergency has been subsequently extended twice and currently, will be in effect through December 31, 2020.<sup>5</sup>

On May 4, 2020, to facilitate the District government’s preparedness for the anticipated need for consumer assistance when the utility disconnection moratorium ends, OPC filed an Emergency Petition with the Commission. Therein, the Office petitioned the Commission to establish an investigation into mitigating the adverse impacts of COVID-19 on ratepayers and consumers when the public health emergency is lifted.<sup>6</sup>

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<sup>3</sup> *GD2020-01, In the Matter of the Establishment of Regulatory Assets for COVID-19 Related Incremental Costs* (“GD2020-01”), ¶ 2, Order No. 20329, rel. April 15, 2020 (“Order No. 20329”).

<sup>4</sup> *GD2020-01*, Order No. 20329, ¶ 2.

<sup>5</sup> Council of the District of Columbia, *Public Health Emergency Authority Extension Emergency Declaration Resolution of 2020*, adopted September 23, 2020.

<sup>6</sup> *Formal Case No. 1164, In the Matter of an Inquiry into the Impacts of the COVID-19 Pandemic on District Utilities and Consumers*, (“Formal Case No. 1164”), Emergency Petition and Request for Expedited Treatment of

In response to OPC’s request, on May 28, 2020, the PSC issued Order No. 20358,<sup>7</sup> opening a docket to “examine the merits of the Office of the People’s Counsel for the District of Columbia’s (‘OPC’) Emergency Petition and Request for Expedited Treatment Requesting an Investigation into the Comprehensive Options Available to the District’s Utility Ratepayers/Consumers in Response to the Negative Financial Impacts of the COVID-19 Public Health Emergency.”<sup>8</sup> The PSC directed its General Counsel to issue a public notice and convene a technical conference within 45 days of the date of the lifting of the public health emergency by the Mayor to examine the impact of the COVID-19 crisis on public utilities and District ratepayers and to address OPC’s Emergency Petition. The PSC held in abeyance a final decision on OPC’s Emergency Petition.<sup>9</sup>

### **III. REQUEST FOR IMMEDIATE ACTION**

Time is of the essence. Accordingly, OPC respectfully submits the Commission and other stakeholders must act now to effectively assist consumers when the current public health emergency ends. As of September 29, 2020, the preliminary number of unemployment claims totaled 147,190.<sup>10</sup> The District’s June 2020 seasonally adjusted unemployment rate was 8.6%, compared to 5.6% in June 2019.<sup>11</sup> Also, as of June 2020, the District’s employment rate

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the Office of the People’s Counsel for the District of Columbia Requesting an Investigation into the Comprehensive Options Available to the District’s Utility Ratepayers/Consumers in Response to the Negative Financial Impacts of the COVID-19 Public Health Emergency, filed May 4, 2020 (“OPC Petition”).

<sup>7</sup> *Formal Case No. 1164, In the Matter of an Inquiry into the Impacts of the COVID-19 Pandemic on District Utilities and Consumers*, (“Formal Case No. 1164”), Order No. 20358 ¶ 1, rel. May 28, 2020 (“Order No 20358”).

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> District of Columbia Department of Employment Services, District of Columbia Daily Unemployment Compensation Data: Preliminary numbers as of September 29, 2020.

<sup>11</sup> DowntownDC, DowntownDC Economy Update, Summer 2020.

represented a 7.3% decline from June 2019.<sup>12</sup> Sixty-seven percent of the District’s job losses, or 39,400 jobs, were in the hospitality and leisure sector.<sup>13</sup> Only 5% of office workers worked from their office in July 2020;<sup>14</sup> hotel revenue in June 2020 was just 6% of the June 2019 revenue;<sup>15</sup> the daytime population in downtown DC dropped from 225,000 in February 2020 to 22,000 in July 2020—a 90% decline.<sup>16</sup> These numbers unequivocally demonstrate the COVID-19 virus’ devastating effects on the District’s economy. It is worth noting that the data do not capture the number of District citizens who have lost their lives during the pandemic.

OPC recognized in its May 2020 Emergency Petition that the city’s economic crisis would not end when the public health emergency was lifted. As stated therein:

[T]he cessation of the public health emergency here in the District, whether it is on or after May 18, will not bring an end to the city’s economic crisis. Many utility customers are already, or inevitably will fall, behind on their utility bills, as they also struggle to pay for food, medicine, housing, and other essentials. These consumers will need continued program assistance and financial help in order to enable them to return to a semblance of the financial stability and order they enjoyed prior to the District’s declaration of a state of emergency and public health emergency.

*Formal Case No. 1164*, OPC Petition at 3. For these reasons, OPC requested that the PSC initiate an investigation “to explore how to establish a full suite of solutions that will enable District ratepayers/consumers to pay their utility bills and maintain their service” and listed several

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<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

options.<sup>17</sup> A recent *Washington Post* article confirms that 179 million Americans face losing electricity and water service on a massive scale due to COVID-19.<sup>18</sup>

Through this *Motion*, OPC respectfully renews its request with even more urgency. The PSC and other stakeholders should prepare now to assist public utility consumers who will need support and resources to continue to receive utility service. The Commission can, *sua sponte*, amend Order No. 20358 to direct its General Counsel to immediately impanel a group of stakeholders to begin developing a suite of solutions, instead of waiting until 45 days after the public emergency is lifted.

OPC urges the PSC to take Judicial Notice of the Public Service Commission of Maryland's ("MD PSC") recent issuance of Order No 89636.<sup>19</sup> The MD PSC's Order concerned two of the District of Columbia's public utilities, Pepco and Washington Gas. On August 31, 2020, in anticipation of the September 2020 expiration of the Maryland Governor's moratorium prohibiting utility disconnection for non-payment, the MD PSC took emergency action on a package of motions to provide for an orderly transition in a bench order.<sup>20</sup> Specifically, those actions prohibit utilities from engaging in service terminations or charging late fees, or both, until a date certain; require public utilities to give residential consumers a minimum of 45-days' notice before terminating residential accounts; require utilities to allow residential customers who are in

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<sup>17</sup> *Formal Case No. 1164*, OPC Petition at pp. 3-4.

<sup>18</sup> See <https://www.washingtonpost.com/business/2020/10/01/power-water-gas-bills/>.

<sup>19</sup> *Formal Case No. 1008, In the Matter of the Investigation of Washington Gas Light Company's Billing Systems Practices and Procedures* ("Formal Case No. 1008"), Order No. 12605 ¶ 4, rel. November 21, 2002 ("Order No. 12605").

<sup>20</sup> See Before the Public Service Commission of Maryland, *PC53, Impacts of COVID-19 Pandemic on Maryland Gas and Electric Utility Operations and Customer Experiences*, Order No. 89636 at n. 1, p. 1; ¶ 6, p. 3, rel. September 22, 2020 ("MD Order No. 89636") (Attachment 1).

arrears or unable to pay, a minimum of 12 months to repay, extending to 24 months for customers certified by the Maryland State Office on Energy Programs as low income; prohibits public utilities from collecting or requiring down payments or deposits as a condition of offering residential consumers a payment plan; and prohibits utilities from refusing to negotiate or deny a payment plan to a residential customer because the customer did not meet the terms and conditions of an alternate payment plan during the past 18 months.<sup>21</sup> Given that Pepco is a subsidiary of Exelon and WGL is a subsidiary of AltaGas and they are operating in an adjacent jurisdiction, it is fitting that the companies operate in parallel, i.e., follow the same protocol. The Maryland proceeding was completed in about three months.

OPC notes that other jurisdictions are taking actions like the Maryland PSCs with respect to COVID-19. In June 2020, the Oregon Public Utility Commission hosted a public meeting where it heard from energy, water and telecommunications utilities, customer groups and other stakeholders on the impacts of COVID-19. Additionally, following the public meeting, the Oregon Public Utilities Commission (“Oregon PUC”) assembled a COVID-19 team charged with developing and submitting recommendations to the Oregon PUC about a variety of issues. The recommendations are memorialized in a report entitled *COVID-19 Aftermath Actions to Protect Customers*.<sup>22</sup> OPC requests that the Commission take judicial notice of the report.

Experts across the country have predicted that the economic devastation caused by COVID-19 will continue for a minimum of one to two years after the World Health Organization

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<sup>21</sup> *Id.*

<sup>22</sup> Oregon Public Utilities Commission, Staff Final Report, *COVID-19 Aftermath: Actions to Protect Consumers*, rel. September 24, 2020. <https://www.oregon.gov/puc/utilities/Pages/COVID-19-Impacts.aspx> (Attachment 2).

officially declares the pandemic over.<sup>23</sup> District utility consumers who were initially furloughed no longer have unemployment benefits or were never eligible to receive unemployment benefits because of their citizenship status. Sadly, a substantial number of Washingtonians have been permanently terminated from their employment, depleted their savings (to the extent they had any), and cannot find work because businesses have permanently shuttered their doors. These individuals will be unable to afford critical utility services when the public health emergency expires. Indeed, numerous community witnesses testifying at the PSC's public hearing in Formal Case No. 1156, testified how the pandemic has dramatically impacted their lives, including, for example, the fact that the increased rates will place a severe economic burden on low-income consumers and people of color who should not be forced to choose between paying utility bills and buying food. Further, community witnesses testified that Pepco's request for a rate increase is ill timed, inhumane and insensitive because it comes when people are suffering due to the negative impact of COVID-19. Notably, several witnesses from the small business community noted the adverse impact of the COVID-19 pandemic. Enough information is currently available about the continuing negative economic impacts stemming from the COVID-19 pandemic for stakeholders to review and consider in a Commission-sanctioned forum. Accordingly, OPC respectfully, but strongly, recommends the Commission not wait until after the public health emergency expires before acting to develop effective COVID-19 relief measures.

OPC submits, in order to address a problem of this large scale, information is needed from multiple sources and disciplines. While the Commission does not have authority over all the stakeholders that can assist in developing solutions, the Commission can take proactive steps now

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<sup>23</sup> See <https://www.nbcwashington.com/news/local/dc-economy-may-take-2-years-to-recover-after-coronavirus-721-million-deficit/2284113/>; [https://richmond.com/business/learning-center/economic-impact-it-could-take-two-years-before-the-u-s-sees-a-full-economic/article\\_71de3b2e-85a-5101-ba3a-955aac3b2ff7.html](https://richmond.com/business/learning-center/economic-impact-it-could-take-two-years-before-the-u-s-sees-a-full-economic/article_71de3b2e-85a-5101-ba3a-955aac3b2ff7.html).



to begin collecting and processing the information. Specifically, the Commission can at a minimum 1) direct the utilities to provide data on arrearages, *i.e.*, amounts owed and number of customers who are 30-60 and 60+ days in arrears, the types of payment plans being offered and how many consumers have entered into these plan, 2) invite interested parties to provide information about how COVID-19 has impacted their constituencies and provide proposals to mitigate same, and 3) invite ideas on how to best educate and implement any adopted proposals once they are developed to ensure the maximum number of people have access to financial relief once the public health emergency is lifted.

#### **IV. CONCLUSION**

**WHEREFORE**, for the foregoing reasons, the Office respectfully requests the Commission grant this *Motion* and immediately convene an appropriate forum to develop options for the mitigation of the negative impacts of the COVID-19 public health emergency on utility consumers.

Respectfully submitted,

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Dated: October 2, 2020

Formal Case No. 1164  
OPC Attachment 1  
October 2, 2020

**Public Service Commission of Maryland**  
**Order No. 89636**  
**September 22, 2020**

**ORDER NO. 89636**

Impacts of COVID-19 Pandemic on  
Maryland Gas and Electric Utility  
Operations and Customer Experiences

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BEFORE THE  
PUBLIC SERVICE COMMISSION  
OF MARYLAND

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PC53

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**Issue Date: September 22, 2020**

**ORDER ON COVID-19 EMERGENCY MEASURES**

1. In Public Conference 53 (“PC53”), the Commission requested information and comment on the impact of the COVID-19 pandemic on ratepayers, utilities, and other interested persons. The Commission received written filings from 13 utilities, state agencies, and interest groups. On August 27, 28, and 31, 2020, the Commission held public hearings to discuss the data and recommendations received. Based on that record and the pending expiration of Maryland Governor Larry Hogan’s Executive Order prohibiting residential utility service terminations, on August 31, 2020, the Commission issued an emergency order from the bench (“August 31 Order”).<sup>1</sup>

2. The August 31 Order did not address all the proposals made by utilities and other stakeholders, and, as noted by the Commission, further action would be taken by written

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<sup>1</sup> Bench Order, issued August 31, 2020 by unanimous vote of 4-0 with Commissioner Richard abstaining for the reasons stated on the record.

order.<sup>2</sup> Additionally, on September 2, 2020, the Maryland Office of People’s Counsel (“OPC”) filed a Motion for Clarification (“Motion”) of the Commission’s August 31

3. Order. This order will address issues raised in both the initial filings and hearing, and in OPC’s Motion.<sup>3</sup> Unless stated otherwise, determinations made in the body of this order shall remain in effect until further direction of the Commission.

### **Background**

4. Since March 5, 2020, Maryland has operated under a state of emergency in an effort to control and prevent the spread of COVID-19. On March 16, Governor Hogan issued an Executive Order that prohibited Maryland utilities<sup>4</sup> from terminating residential service for Maryland customers and charging late fees (the “Governor’s moratorium”).

5. On July 8, 2020, the Commission initiated Public Conference 53 to assess the impacts of COVID-19 on Maryland utilities and ratepayers, including accumulated arrearages, service terminations, and other financial and administrative challenges, and to explore potential regulatory actions to mitigate those impacts. The Commission received written filings from utilities, the Commission Technical Staff (“Staff”), OPC, and other interested persons. On August 27 and 28, the Commission held public hearings on the accumulation of large ratepayer arrearages as a result of COVID-19, as well as other issues.

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<sup>2</sup> This Order will not address certain items discussed during the hearings, but which are not yet ripe for discussion. This includes any issues related to the review of costs incurred, including unrecoverable arrearages.

<sup>3</sup> Unless stated otherwise, this Order applies only to customer accounts serving dwelling units or residences. Although Staff has suggested that the Commission establish additional protections for small commercial customers, the record in this proceeding does not yet adequately address the need, possible implementation, and impact of such relief. Nonetheless, the Commission encourages utilities to work with small business owners requesting additional time or other leeway to pay arrearages accumulated during the current pandemic.

<sup>4</sup> Including some utilities outside of the Commission’s jurisdiction.

6. On August 31, 2020, in anticipation of the September 1, 2020 expiration of the Governor's moratorium prohibiting utility disconnections for non-payment, the Commission took emergency action from the bench to approve a package of five motions to effectuate an orderly transition (*i.e.*, the August 31 Order):

(1) Utilities may not engage in service terminations and or charge late fees until October 1, 2020 and any notices of termination for residential accounts sent before October 1, 2020 are invalid;

(2) a Public Service Company must give notice at least 45 days before terminating service on a residential account;<sup>5</sup>

(3) structured payment plans offered by Public Service Companies to residential customers in arrears or unable to pay must allow a minimum of 12 months to repay, with that period extending to 24 months for customers certified by the Maryland Office of Home Energy Programs ("OHEP") as low income;

(4) prohibited any Public Service Company from collecting or requiring down payments or deposits as a condition of beginning a payment plan by any residential customer; and

(5) prohibited any Public Service Company from refusing to negotiate or denying a payment plan to a residential customer receiving service because the customer failed to meet the terms and conditions of an alternate payment plan during the past 18 months.

7. On September 4, 2020, the Commission issued a second notice in PC53 requesting filings by Maryland's investor-owned utilities proposing arrearage forgiveness and/or arrearage management programs. The notice also requested comments from interested parties and established hearing dates to consider proposals.

8. In light of the August 31 Order, and while the Commission awaits the arrearage program filings, the Commission has determined that several additional issues can be addressed at this time.

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<sup>5</sup> Except where Commission regulations do not require notice of termination.

## **Commission Decisions**

### **1. Expedited or alternative rate proceedings**

9. Multiple utilities raised the possibility of an expedited rate proceeding or other limited proceeding, leading to a temporary rate base increase or customer surcharge, to allow utilities to begin to collect on their additional expenses imposed by the COVID-19 pandemic.<sup>6</sup> The Commission recognizes that the pandemic has created financial stress for some Maryland utilities. The Public Utilities Article (“PUA”) provides several alternatives to traditional rate cases, including temporary rates and “make whole” proceedings, as well as the Commission’s authority to establish riders for specific purposes.<sup>7</sup> Utilities under financial stress may seek relief under those existing frameworks and should also communicate any concerns about their financial health to the Commission as soon as possible. The Commission will consider applications on a case-by-case basis, giving due consideration to the specific situation of each utility.

### **2. Utility reporting requirements**

10. Several parties raised the possibility of additional reporting requirements for utilities, including regulatory asset status, arrearages, and service terminations.<sup>8</sup> The Commission agrees that management of the ongoing crisis requires up-to-date reporting about how ratepayers and utilities are being affected.

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<sup>6</sup> SMECO Response at 7; Maryland American Water Company Response at 11; Chesapeake Utilities Corporation Response at 5. On April 9, 2020, the Commission issued an order authorizing Utilities to establish a regulatory asset for incremental COVID-19 expenses and income offsets. Order No. 89542.

<sup>7</sup> Md. Code Ann., Pub. Util. Art. § 4-201, *et seq.*

<sup>8</sup> OPC Comments at 42-46; Maryland Energy Efficiency Advocates Comments at 13-15; Chesapeake Utilities Corporation Response at 5; Staff Comments at 34.

11. Beginning November 1, 2020, each utility that is using a COVID-19 regulatory asset is therefore directed to file quarterly reports with the Commission on the status of those expenses it has placed and income offsets into that regulatory asset.

12. Beginning November 1, 2020, each utility is also directed to file monthly reports with the Commission setting forth:

- a) the number of accounts in arrears for up to 30 days, 30 to 60 days, and more than 60 days;
- b) the total dollars of arrearages including other charges;<sup>9</sup>
- c) the number of customers who have been sent a notice of termination;
- d) the number of customers who have entered into a payment plan;
- e) the number of customers who have requested a payment plan but either did not receive one or did not accept the terms offered;
- f) the number of customers who have defaulted on a payment plan that began after the August 31 Order;
- g) the number of customers who have applied for energy assistance;
- h) the number of customers who have had service reconnected; and
- i) the number of terminations the utility has effectuated.

This data should be reported by customer class and geographic location at the county level or nearest approximation. Utilities should advise the Commission if this directive is unduly expensive or outside a utility's capabilities. This obligation is in addition to and does not substitute for any existing reporting obligations.

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<sup>9</sup> Such as deposits, late fees, and AMI opt-out fees.



### **3. Waiver of COMAR 20.31.05.08C(3)**

13. Potomac Edison requested that the Commission issue a waiver of COMAR 20.31.05.08C(3), which prohibits customers from using energy assistance funds through the Commission's Utility Service Protection Program to pay off arrearage balances if they have already done so.<sup>10</sup> The Commission has historically granted such waivers, and doing so in this case is justified by the need to avoid imposing unnecessary hardship during a time of crisis.<sup>11</sup> The request is therefore granted with statewide effect.

### **4. Waiver of COMAR 20.31.03.03A**

14. The City of Hagerstown Light Department ("Hagerstown") requested that the Commission relax the COMAR 20.31.03.03A winter affidavit requirement dates. The Commission understands that Hagerstown operates a small utility and alleges difficulty complying with the affidavit requirements and that the Governor's moratorium began before the end of last winter's affidavit period, meaning that more than a year will pass during which Hagerstown will effectively have been unable to issue termination notices.<sup>12</sup> The Commission is concerned to discover any utility is unable to comply with a regulation intended to provide procedural safeguards but not serve as a total moratorium. In such circumstances, the Commission encourages utilities to contact Staff to develop an individualized solution for Commission review. Accordingly, the Commission declines Hagerstown's request for a waiver of the winter affidavit regulations at this time.

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<sup>10</sup> Potomac Edison Response at 19.

<sup>11</sup> The Commission last waived this provision at its November 6, 2019 administrative meeting, based on a joint motion by several utilities and a recommendation in support by Staff. *See* Maillog No.'s 226994 and 226994.

<sup>12</sup> City of Hagerstown Light Department Response at 3.

## **5. Exemption of Easton Utilities from PC53**

15. Easton Utilities has requested an exemption from participating in PC53 as a gas utility.<sup>13</sup> The Commission did exempt Easton's electric operations in its initial notice, and the request that the exemption be extended to gas operations is granted.

## **6. Expansion of the Low Income Energy Efficiency Program**

16. Maryland Energy Efficiency Advocates ("MEEA") requested Commission authorization for utilities to increase low income energy efficiency spending under the Maryland Department of Housing and Community Development's ("DHCD") EmPOWER program.<sup>14</sup> At this time, the Commission does not have sufficient detail on the benefits or costs of expanding the existing program. Further, the current EmPOWER program cycle and plan expires December 31, 2020. Any discussion or decision on the scope of the DHCD low income program is best considered in Case No. 9648, which is the docket containing plans and proposals for the upcoming three-year EmPOWER program cycle (2021-2023).

## **7. Minimum repayment amounts**

17. Several parties discussed the possibility of requiring utility repayment plans to allow a minimum payment of as little as 10 dollars as a way to ensure manageable payment plans that would keep customers' service connected.<sup>15</sup> In addition to minimum payments, parties also suggested that the Commission develop an arrearage management program and described the benefits of such programs that are currently offered in other

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<sup>13</sup> Easton Utilities Response at 5.

<sup>14</sup> Maryland Energy Efficiency Advocates Comments at 15-20.

<sup>15</sup> BGE Response at 12-13; Tr. at 280 (Fields) and 326-27 (Case).

states and jurisdictions.<sup>16</sup> The Commission agrees that policies that keep customers both paying down their arrearages and in service are generally in the public interest. While the Commission will not impose a universal minimum payment amount, the Commission does expect utilities to continue to work with customers in arrears to negotiate reasonable payment plans.

## **8. Customer financial records**

18. MEEA requested that the Commission prohibit utilities from requiring that customers provide financial records to access extended repayment plans.<sup>17</sup> The Commission's August 31 Order requires utilities to offer 12-month repayment plans regardless of income. These plans should be offered without the need to present financial records. Customers applying for energy assistance or other grant programs may still need to provide financial records, however.

## **9. OHEP computer access and eligibility**

19. Rebuild Overcome And Rise (R.O.A.R.) and the University of Maryland have asked the Commission to review the eligibility rules for OHEP energy assistance programs in order to help customers with limited computer and online access.<sup>18</sup> While the Commission does have oversight over the ratepayer-funded portion of energy assistance programs, the Commission does not have jurisdiction over OHEP eligibility criteria which are largely driven by the requirements imposed by other energy assistance funding and programs managed exclusively by OHEP. Further, the Commission has no jurisdiction over OHEP's application processes or the local decisions to open aid offices

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<sup>16</sup> MEEA Comments at 17-19, Tr. at 359-66 (Grevatt); see also Tr. at 287-88 (Fields).

<sup>17</sup> MEEA Comments at 11.

<sup>18</sup> R.O.A.R. Comments at 3.

for in-person and paper applications. As such, the Commission has no authority to grant R.O.A.R.'s requests.

#### **10. OPC's Motion for Clarification**

20. In its Motion for Clarification, OPC raises several concerns about the application of the August 31 Order, which will be addressed below.<sup>19</sup>

##### **a. Duration of revised credit and collection terms**

21. OPC seeks clarification on the duration of the revised credit and collections terms. As the Commission stated, the August 31 Order will remain in effect until further order by the Commission.<sup>20</sup> The Commission will continue to monitor the status of both ratepayers and utilities and will lift or modify any emergency measures as the circumstances dictate. Thus, the Commission declines OPC's suggestion to create a date certain for expiration of those measures.

##### **b. Customer outreach**

22. OPC seeks clarification on a utility's obligation to inform customers about the emergency customer protection rules in effect during this emergency.<sup>21</sup> The Commission understands that several utilities have already begun outreach efforts to inform customers of what they can expect going forward. The Commission declines to establish tight editorial control over those efforts; however, the Commission directs utilities to inform customers of the range of payment options available to them, to minimize service terminations, and to help as many customers as possible to address their arrearages.

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<sup>19</sup> OPC Motion for Clarification.

<sup>20</sup> OPC Motion at 3.

<sup>21</sup> OPC Motion at 4-5.

Utilities are encouraged to work with the state and local government agencies and non-profits in communicating a consistent and clear message to customers.

**c. Customers previously disconnected for non-payment**

23. OPC asks what protection the Commission is going to provide for customers who were previously disconnected for non-payment prior to the Governor's moratorium, and whether those customers will be allowed to re-establish service without a deposit or fee if they agree to enter a payment plan or are approved for energy assistance.<sup>22</sup> At this time, the Commission is not convinced that special rules for customers whose service was terminated prior to the initiation of the Governor's moratorium over six months ago are necessary. Reconnection fees for Utility Service Protection Program ("USPP") customers are already prohibited under COMAR 20.31.05.08D, and the Commission's August 31 Order prohibiting the collection of down payments as a condition of beginning a repayment plan should be understood as a temporary waiver of COMAR 20.31.05.04B and 20.31.05.08A(3), which ordinarily permit a utility to refuse to reconnect a USPP customer until that customer has paid down their arrearage balance to below a certain threshold. The Commission understands that utilities will also continue to work with those customers not eligible for USPP, and in some cases may choose to waive reconnection fees.<sup>23</sup> The Commission's August 31 Order on repayment terms will also apply to those customers when their service resumes.

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<sup>22</sup> OPC Motion at 5-6.

<sup>23</sup> Tr. at 61 (Dickens); Tr. at 122 (Tr. at 126 (Murdock); Tr. at 201 (Fridinger); Tr. at 325-326 (Case)

**d. Late fees during extended repayment plans**

24. OPC asks whether late fees will be waived during the period of the extended payment plans.<sup>24</sup> When the Commission's moratorium expires on October 1, 2020, utilities may resume charging late fees in the manner permitted by law, Commission regulation, and their filed tariffs.

**e. Continuing application of 55-day extension before termination for customers with pending OHEP applications for customers of certain utilities**

25. OPC asks whether the 55-day extension before termination for customers with pending OHEP applications<sup>25</sup> remains in effect for customers of certain utilities. Order No. 80307 is still in effect and should continue to provide a window for OHEP to make determinations on those applications. To the extent that the parties to the settlement, or other interested parties, believe that a temporary modification is necessary to accommodate potential increased application processing time during the current crisis, they should work together to develop a proposal for Commission consideration.

**f. Repayment terms for customers with pending OHEP applications**

26. OPC asks whether a customer in arrears with a pending OHEP application would be offered a 12- or 24-month repayment plan. In addition, OPC requested clarification on how utilities should treat customers who enter into 12-month payment plans before approval of an OHEP application.<sup>26</sup> If a timely determination on an OHEP application has not yet been made, the utility may, in its discretion, offer either the 12- or 24-month

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<sup>24</sup> OPC Motion at 6-7.

<sup>25</sup> This is required of certain utilities under a Settlement Agreement accepted in Commission Order No. 80307.

<sup>26</sup> OPC Motion at 7-8.

term. However, if a customer on a 12-month plan is ultimately approved through OHEP, the utility must offer a 24-month repayment term.

**g. Customers in default of repayment plan**

27. OPC asks what happens when a customer defaults on an alternate payment plan, and whether such a customer can obtain another plan or if they are then subject to termination.<sup>27</sup> At the hearing, the utilities argued that the possibility of service termination is a necessary tool to ensure that customers either apply for energy assistance or enter into a payment plan.<sup>28</sup> Based on the statements given at the hearings on August 28-29, the Commission understands that the utilities are committed to continuing to work with customers to ensure that service terminations occur only as a last resort.<sup>29</sup> Going forward, utilities should therefore provide to a customer who defaults on an alternative payment plan at least one opportunity to enter into a new plan prior to service termination. Further, any customer who requests or enters into a new or renegotiated payment plan should be offered terms consistent with the August 31 Order.

**IT IS THEREFORE**, this 22<sup>nd</sup> day of September, in the year Two Thousand Twenty, by the Public Service Commission of Maryland,

**ORDERED:** (1) That unless stated otherwise, the determinations made in the body of this order shall remain in effect until further direction of the Commission; and

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<sup>27</sup> OPC Motion at 8-9.

<sup>28</sup> Tr. at 32-34 (Olivier); Tr. at 70-71 (Dickens); Tr. at 100 (Michel); Tr. at 162-163 (Tubbs); Tr. at 219 (Scher).

<sup>29</sup> Tr. at 30-31 (Olivier); Tr. at 72-73 (Dickens); Tr. at 113 (Trout); Tr. at 183 (MacDougall).

(2) That to the extent any Commission regulations, orders, or tariffs conflict with this order, they are suspended until further direction of the Commission.

/s/ Jason M. Stanek

/s/ Anthony J. O'Donnell

/s/ Odogwu Obi Linton

/s/ Mindy L. Herman

Commissioners



**STATEMENT OF COMMISSIONER MICHAEL T. RICHARD**  
**CONCURRING IN PART AND DISSENTING IN PART**

1. Although I join my fellow Commissioners today in taking action to mitigate an historic crisis that encumbers consumers' ability to fully and timely pay for utility services, as well their ability to meet other pressing financial needs including housing, I write separately to express my concern that this Commission could and should do more.
2. At the final Public Conference 53 hearing on August 31, 2020, the Commissioners voted on emergency orders to extend consumer protections beyond the September 1, 2020 expiration of the Governor's Executive Order prohibiting utility terminations. Five motions were presented. Although I requested on the record that we vote on each motion individually, the Commission considered them as a package subject to a single up-or-down vote. I supported the emergency customer protections contained in four of the five motions, which will help customers manage their bills and prevent service terminations for unpaid bills. However, I abstained from voting because I disagreed with the first item,<sup>1</sup> which would end protections against collections, service terminations, and late fees as of October 1, 2020.
3. Instead, I support the alternative plan proposed by the Office of People's Counsel ("OPC") and supported by the Attorney General, more than 60 legislators, and consumer advocates who assist low-income residents. That plan would have extended protections against disconnections for at least the duration of the State of Emergency. I therefore would have extended those protections until either the lifting of the State of Emergency

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<sup>1</sup> That item is referenced in this Order at paragraph 5(1).

or some other indicator that Marylanders are no longer in financial distress due to the COVID-19 pandemic. I agree the Commission must balance utility and customer interests, as well as State policy goals. However, lifting the moratorium on utility service disconnections too quickly puts the thumb on the scale in favor of the State's largest utilities.<sup>2</sup>

4. During the PC53 hearings, the Commission did not hear evidence of negative effects on electric or gas safety, reliability or financial health. Only one municipal utility has provided evidence of financial difficulties due to unpaid bills.<sup>3</sup> Based on that record, I disagree with the position (and the implied characterization) taken by some utilities, and referenced by this Order, that the possibility that some Marylanders are taking advantage of the pandemic and deliberately evading bill payment justifies resuming terminations and late fees for all Marylanders.<sup>4</sup>

5. We also did not hear any evidence that Marylanders' financial struggles related to COVID have decreased, or that economic conditions allow us to go back to business as usual. In fact, I heard testimony that everyday difficulties will likely be compounded by the start of the school year. Virtual schooling will require electricity! Maryland families from all walks of life are facing difficult choices, while many community-based resources remain closed or short-staffed due to the pandemic. I conclude, based on the

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<sup>2</sup> My statement refers primarily to the Exelon and FirstEnergy electric utilities, which serve approximately 90 percent of the State's electric customers. The hearing record shows that these companies have maintained strong financial health throughout the ongoing pandemic. The governance structures of the State's cooperatives and municipalities make these entities accountable to the customers they serve, and not shareholders, and I believe they warrant greater latitude from the Commission than the investor owned utilities.

<sup>3</sup> See August 28, 2020 Transcript at 282.

<sup>4</sup> *Id.* at 319-323.

record before the Commission, that more time is necessary to develop and execute a sound transition plan informed by evidence.

6. What I did hear from some utilities were detailed plans to begin disconnections after sending out mass waves of termination notices. Before allowing electric and gas companies to begin threatening disconnections and stripping vulnerable residents of essential services, OPC's proposal would require the utilities to inform their customers and offer solutions to those who are unable to keep up with all of their bills. While I am heartened by the utilities' "promises" to not disconnect customers who are in contact with them and seeking assistance, I would require utilities to "forbear" on disconnections, memorializing these verbal commitments. I am disappointed that such language was not part of the August 31 Order or this Order. Although one Staff representative at the hearing described the Commission's regulations on repayment and termination as functioning like a "carrot and stick," if customers cannot pay, no stick will solve our current collective dilemma.<sup>5</sup>

7. For many of us who have remained fully employed during the pandemic (some by virtue of teleworking), these past several months have been merely an inconvenience. But for others the State-imposed restrictions have had a devastating impact on their lives and their ability to provide for their most essential needs – shelter, food, and energy. Although I am heartened that the Commission will continue to collect data on the impact of the pandemic on ratepayers, I believe that the OPC proposal to track that data at the zip code level (as opposed to county-wide) would provide materially better visibility into the disparate impact that the pandemic has had on specific groups, which in turn would allow

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<sup>5</sup> *Id.* at 308-309.

the Commission, and the other government agencies and non-profits with which we work, to make more targeted and effective resource allocation and other policy decisions during this unprecedented crisis.

8. Relatedly, I believe it is imperative to ensure that Maryland social service agencies are prepared for the expected spike in requests for assistance as restrictions are lifted. For many struggling customers, this will be the first time they have had to seek assistance or attempt to deal with their utility in order to avoid service disconnection. Time should be afforded to Marylanders to be able to work confidently with their utility, and not under the threat of termination of essential services.

9. While I am supportive of footnote 3 in this Order, I also support the Commission Staff's recommendation to extend the same residential protections provided in these orders to small businesses. The State of Emergency declaration continues to have a devastating impact on small business owners, many of whom have been required to close their doors and restrict operations. These businesses will be vital to the State's economic recovery overall and to the restoration of jobs. Therefore, I believe small business customers should be provided the protections afforded residential customers by the Commission's Emergency Order. I am disappointed that this Order does not accept Staff's recommendation.

10. I also strongly support arrearage management programs ("AMPs"), which other states have developed to provide arrearage forgiveness and other protections to customers who successfully participate in such programs. Several states already have AMPs in place, including Delaware, Illinois, and Washington, all states with Exelon companies. This Commission should ensure that Maryland catches up and offers similar programs

with an eye toward affordability. To this end, I therefore would urge our utilities to act with urgency on the Commission's September 4 Notice to provide robust proposals for implementing forgiveness programs in Maryland.

11. I believe that the actions this Commission is taking during the on-going COVID-19 pandemic will be among the most consequential ever for Maryland utility customers. It is crucial that, as the regulator, the Commission hold utilities responsible for successfully providing payment plans and referring customers to the assistance they need and are entitled to receive. For this reason, I support these important consumer protections contained in the August 31 Order and this Order. But I believe we should have timed the lifting of the moratorium with the end of the State of Emergency, and I would have ensured customer interests were truly in balance with the power of the state's large investor-owned utilities to terminate services.

/s/ Michael T. Richard

Commissioner

Formal Case No. 1164  
OPC Attachment 2  
October 2, 2020

**Oregon Public Utility Commission**  
***COVID-19 Aftermath: Actions to Protect Consumers***  
**September 24, 2020**



# COVID-19 AFTERMATH

ACTIONS TO PROTECT CUSTOMERS

SEPTEMBER 24, 2020  
STAFF FINAL REPORT



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## Executive Summary

On June 9, 2020, the Public Utility Commission of Oregon (Commission or PUC) conducted a Special Public Meeting, titled, *“Impact to Utility Customers during the COVID-19 Pandemic and Future Economic Recovery.”* During this public meeting, the Commission heard from investor-owned energy, water, and telecommunications utilities, as well as customer groups, and other stakeholders on the impacts of the COVID-19 pandemic, including actions taken by utilities and additional actions needed to protect customers during this pandemic.

Prior to the meeting, investor-owned utilities had already taken various voluntary actions to suspend disconnections of residential and non-residential accounts, stop sending late and final notices, stop assessing late fees, start offering more and flexible payment arrangements, and initiated other actions to assist customers impacted by COVID-19. Additionally, telecommunication utilities had committed to the Federal Communications Commission (FCC) “Keep America Connected Initiative,” which ran from March 13, 2020 to June 30, 2020.

As a result of the Public Meeting, the PUC assembled a team of representatives from across the agency, with expertise and ability to assist with various aspects of the COVID-19 challenge. The purpose of team was to:

- a. Develop and share relevant information concerning actions taken by utilities concerning COVID-19.
- b. Ensure the PUC takes an integrated, timely approach to COVID-19-related issues, and that all relevant aspects of the challenge are considered.
- c. Ensure stakeholder engagement, input, and awareness.
- d. Provide information that will inform other related dockets and Commission processes.
- e. Balance the interest of utilities and customers on the solutions to be taken to address the impacts of the pandemic.

To ensure a thorough investigation, Staff conducted five general workshops, two data workshops, one special water utilities workshop, and two special telecommunications utilities workshops from the period of June 30, 2020 to September 3, 2020. Staff also facilitated a group of individuals that indicated that they were interested in providing recommendations on equity into the process, to determine if a framework could be developed to assist the parties in their creation of recommendations, and to assist the Commission in its review of proposals.

As a result of these workshops and additional work by all parties (Staff, utilities, customer groups, and other stakeholders), various agreements are in the process of being finalized concerning disconnects, arrearages, and additional customer protections. Term Sheets were developed separately for energy, water, and telecommunications utilities. These Term Sheets are included in Appendices A, B, and C of this report.

On September 8, 2020, the Commission hosted a workshop to discuss results of the Staff workshops, any gaps in the Staff workshops, and needed actions going forward. Staff, utilities, customer groups, and other stakeholders participated in the Commission workshop. As a result of the Commission workshop, parties were able to improve upon conditions previously agreed upon or discussed, and committed to work towards resolution on unresolved issues. Subsequent to the meeting, Staff conducted a workshop on September 15, 2020, to reach agreement on the Energy Term Sheet.

This report was included as part of Staff's Report to the Commission during the September 24, 2020, Special Public Meeting. At the Special Public Meeting, the Commission adopted Staff's Proposed Motion to:

Authorize Staff and the affected utilities and stakeholders to execute three stipulations incorporating the attached term sheets (Energy, Water, and Telecommunications) that were developed during the Commission's investigation into the Effects of the COVID-19 Pandemic on Utility Customers.

## Background

### A. COVID-19 Challenge

On March 8, 2020, Governor Brown declared a statewide state of emergency due to the public health threat posed by the novel infectious coronavirus, COVID-19.<sup>1</sup> Several extensions of that order have been issued, and the state of emergency is currently extended to November 3, 2020.<sup>2</sup> In a related executive order, the Governor explains that COVID-19 is a global pandemic that is causing a significant economic downturn in Oregon, imposing sustained economic hardship on many Oregonians in the form of lost wages and an inability to pay basic household expenses.<sup>3</sup> Oregonians were directed to stay home to the greatest extent possible and a number of government offices and retail businesses were closed.<sup>4</sup> Phased re-opening has begun but is not complete, and the restrictions may be re-imposed based on changing conditions.<sup>5</sup>

On June 9, 2020, the Public Utility Commission of Oregon (Commission or PUC) conducted a Special Public Meeting, titled, *“Impact to Utility Customers during the COVID-19 Pandemic and Future Economic Recovery.”* During this public meeting, the Commission heard from investor-owned energy, water, and telecommunications utilities, as well as customer groups, and other stakeholders on the impacts of the COVID-19 pandemic, including actions taken by utilities and additional actions needed to protect customers during this pandemic.

Prior to the meeting, investor-owned energy utilities had already taken voluntary actions to suspend disconnections of residential and non-residential accounts, stop sending late and final notices, stop assessing late fees, offering more and flexible payment arrangements, and other actions to assist customers impacted by COVID-19. Many regulated water utilities including Avion, NW Natural water companies, and Oregon Water Utilities companies also took similar actions. Additionally, telecommunication utilities had committed to the Federal

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<sup>1</sup> EO 20-03 (March 8, 2020).

<sup>2</sup> EO 20-24 (May 1, 2020); EO 20-30 (June 30, 2020); EO 20-38 (September 1, 2020).

<sup>3</sup> See EO 20-11 (March 22, 2020).

<sup>4</sup> EO 20-12 (March 23, 2020).

<sup>5</sup> See EO 20-27 (June 5, 2020).

Communications Commission (FCC) “Keep America Connected Initiative,” which ran from March 13, 2020 to June 30, 2020. The purpose of that initiative was to ensure that Americans do not lose their broadband or telephone connectivity as a result of COVID-19 circumstances.

As a result of the Public Meeting, the PUC assembled a team of representatives from across the agency, with expertise and ability to assist with various aspects of the COVID-19 challenge. The purpose of team was to:

- a. Develop and share relevant information concerning actions taken by utilities concerning COVID-19.
- b. Ensure the PUC takes an integrated, timely approach to COVID-19-related issues, and that all relevant aspects of the challenge are considered.
- c. Ensure stakeholder engagement, input, and awareness.
- d. Provide information that will inform other, related dockets and Commission processes.
- e. Balance the interest of utilities and customers on the solutions to be taken to address the impacts of the pandemic.

In order to support this effort, the following internal team was assembled:

- a. Mark Thompson (Commissioner Sponsor)
- b. Michael Dougherty (Chief Operating Officer)
- c. Phil Boyle (Consumer Services and RSPF Program Manager)
- d. Marc Hellman (Energy Resources and Planning, Senior Economist)
- e. Max St. Brown (Energy Resources and Planning, Senior Utility Analyst)
- f. Sabrinna Soldavini (Energy Rates, Finance, Audit, Senior Utility Analyst)
- g. Scott Shearer (Telecommunications and Water, Utility Analyst)
- h. Bret Farrell (Telecommunications and Water, Utility Analyst)
- f. Lisa Gorsuch (Utility Safety, Reliability, and Security, Emergency Preparedness Manager)
- g. Shelly Maye (Commission Advisor)
- h. Kandi Young (Information Officer)

The following reflects the scope of the COVID-19 Team's efforts:

**1. Ensure robust stakeholder engagement:**

- a. Conduct outreach to interested groups and individuals.
- b. Facilitate discussion and development of information and recommendations.

**2. Gather information:**

- a. Determine needs for data, and gather data.
- b. Answer relevant questions, including:
  - i. Customer impacts related to pandemic (building on discussion from the Commission's Special Public Meeting):
    1. What are the prevailing economic and health (e.g. vulnerable populations that continue self-isolating) circumstances that impact customers' ability to pay for utility services? How are these expected to change over time (e.g. with winter heating, as the pandemic evolves, as recovery begins)? How are they differentiated by region, sector (e.g. agriculture, manufacturing, tourism, etc.), customer demographics, etc.?
    2. What data do we need to track to effectively evaluate changes over time and effectively maintain situational awareness?
    3. What obstacles do customers face in dealing with utility bill arrearages? How are those obstacles different for different customers (unbanked, non-English speakers, self-isolating vulnerable populations, different demographics, low-income, etc.)?
    4. What opportunities and resources are available, or could be made available to assist customers with their utility costs, or to assist them with utility programs? (Including voluntary assistance programs as

well as increased programmatic and assistance funding; also including Energy Trust).

ii. Financial Impacts on Utilities:

1. What are individual utilities' financial impacts from the pandemic?
2. How do utility impacts vary across electricity, natural gas, water, and telecommunications?
3. What impacts do decoupling, power cost mechanisms and other rate mechanisms have in mitigating or exacerbating these issues? How do they vary by utility or industry?
4. How does the CARES Act or other federal or state stimulus initiatives factor into utilities' financial impacts from the pandemic? How do these initiatives vary by industry?

c. Ensure understanding of:

- i. Utility low-income assistance programs at the utility, local, state and federal level during business as usual and during pandemic.
- ii. Differential energy burdens, and opportunities for regulatory actions.
- iii. Ongoing data needs to understand the evolving situation including both utility data and broader Oregon economic indicators.
- iv. Opportunities and regulatory routes to expand assistance programs (e.g. direct payment, energy use reduction), particularly in preparation for the 2020/2021 heating season.
- v. Revisit rate discounts specific to low-income customers and associated legal questions including Department of Justice (DOJ) opinion.
- vi. Bill-payment arrearage debt forgiveness practices and options.
- vii. Utility tariff provisions regarding fees, late payments, payment plans, interest rates, debt forgiveness, deposits, credit reporting, etc.

- viii. Emerging best practices for effective arrearage and bill payment management across the country.
- ix. Changes in margins for utilities associated with various customer groups and the applicability of deferrals related to lost margins.
- x. Uncollectable levels across various utilities and proactive actions being taken to collect or reduce ongoing customer energy burden, particularly via assistance programs.
- xi. Regulatory mechanisms, and how they differ across types of utility services.
- xii. How the CARES Act can provide relief to the State as well as how does it present an opportunity for utilities to reduce financial burden on customers.
- d. Consider the balance of burdens on customers and utilities:
  - i. Including across rate proceedings – 2020 and 2021 power costs, ongoing rate cases, deferral proceedings. Consider need for public communications regarding utility and regulatory actions.

### **3. Make recommendations (using existing Commission processes):**

- a. Make recommendations regarding utility requests for regulatory relief:
  - i. Utility deferrals:
    - 1. Uncollectible
    - 2. Lost margin / increased margin
    - 3. Utility pandemic response expenses
    - 4. Utility pandemic savings (e.g., No truck rolls, no gas home inspections other than emergencies, and lower short term debt costs?).
  - ii. Any other utility requests or programs.
  - iii. Analyze how utility-specific decoupling mechanisms interact with pandemic impacts on utility revenues and coordinate with other regulatory actions.
- b. Make recommendations for how regulatory actions should differ or be standardized across electric, gas, water, and telecommunications utilities.

- c. Consider proactive opportunities to reduce growing arrearages.
- d. Consider when and how utility disconnection and late fee moratoriums will be lifted or modified and recommend associated customer protections.
- e. Consider various customer communications regarding late payments and arrearages.
- f. Recommend appropriate changes to utility programs and tariffs and potential legislative actions to increase low-income bill-payment funding support.
- g. Recommend appropriate action on public communications and education activities.
- h. Consider interaction of pandemic-related regulatory response and Executive Order No. 20-04's directives regarding differential energy burden, inequities in affordability, and environmental justice, and make appropriate recommendations for Commission action.

The team was tasked to put together workshops with utilities, customer groups, and other interested parties. A list of invited participants is included in Appendix D.

### **B. Workshops and Public Meetings**

To ensure a thorough investigation, Staff conducted six general workshops, two data workshops, one workshop dedicated for water utilities, and two workshops dedicated for telecommunications from the period of June 30, 2020 to September 3, 2020. Additionally, a Commission Workshop and Commission Special Public Meeting were held. The following workshops and public meetings were conducted:

- Commission Special Public Meeting – June 9, 2020
- Workshop #1 – June 30, 2020
- Data Workshop #1 – July 8, 2020
- Workshop #2 – July 16, 2020
- Telecommunications Workshop #1 – July 30, 2020



- Data Workshop #2 – August 6, 2020
- Workshop #3 – August 12, 2020
- Workshop #4 – August 26, 2020
- Water Workshop #1 – September 1, 2020
- Telecommunications Workshop #2 – September 2, 2020
- Workshop #5 – September 3, 2020
- Subgroup discussion on equity and inclusion of community views – September 3, 2020
- Commission Workshop – September 8, 2020
- Workshop #6 – September 15, 2020
- Commission Special Public Meeting – September 24, 2020

Information on all workshops including agendas, comments, data, presentations, information requests, and meeting recordings are located on the Commission’s COVID-19 page.

<https://www.oregon.gov/puc/utilities/Pages/COVID-19-Impacts.aspx>

In addition to the workshops, Staff developed a survey that canvassed various participants and others interested in proposed regulatory solutions to assist customers and utilities during the current COVID-19 pandemic and the aftermath of the pandemic. Survey results are also posted on the Commission’s COVID-19 page.

All workshops included respectful and robust discussion among participants. Although there was a wide array of diverse viewpoints expressed among the participants, all views were allowed to be heard and none cut short. The contributions by utilities and stakeholders allowed Staff to better understand points of agreement and points of differences. Valuable information was provided by Oregon Housing and Community Services, the agency that administers low-income energy programs including Low Income Home Energy Assistance Program (LIHEAP) and Oregon Energy Assistance Program (OEAP). Additionally, the information provided by utilities in response to numerous Staff information requests helped frame the Data Workshops and allowed all participants to grasp the seriousness of the challenges faced by customers and utilities.

Workshop #1 focused on current utility and other actions in response to the COVID-19 pandemic. These measures included discussions on:

- Suspension of late fees (Utilities)
- LIHEAP grant and the LP20-CARES funds (Oregon Housing and Community Services (OHCS))
- Energy Assistance Stability Coronavirus Relief (EASCR) Program (OHCS)
- Increased OTAP funding / subsidy (Citizens' Utility Board / Staff)
- CARES Act Funds (Utilities)
- Flexible payment solutions (Utilities)
- Increased utility voluntary donations (Utilities)
- Deposits refunded or applied to bills (Utilities)
- Increased outreach to customers (Utilities)
- Low-Income initiatives by Energy Trust (Energy Trust)

And also discussions of possible solutions brought forth by utilities:

- Regulatory mechanisms to assist customers
- Rule or tariff changes
- Additional flexible payment plans
- Suspension of deposits
- Other options for customers to get up to date on bills
- Recommendations on disconnects

Workshop #2 focused on stakeholder viewpoints on:

- Recommended regulatory mechanisms to assist customers
- Recommended rule or tariff changes
- Additional flexible payment plans
- Suspension of deposits
- Other options for customers to get up to date on bills
- Recommendations on disconnects

- Payment recommendations
  - Multi-year
  - Debt forgiveness
  - Suspension of interest payments
  - Cash-only customers
  - Other
- Changes to low-income programs

Telecommunications Workshop #1 focused on the unique circumstances of Telecommunications utilities and focused on the following:

- Arrearages
- Late payment fees
- Rate mechanisms
- Time payment arrangements
- Additional flexible payment plans
- Credit card fees
- OUSF / Federal USF funding
- Oregon Lifeline participation and outreach efforts
- Other options for customers to get up to date on bills; and keeping customers
- Recommendations on disconnects

The Data Workshops and Workshop #3 were led by Staff and presented information obtained from information requests, the Staff survey, actions taken by other state regulatory commissions, and research by Staff into various regulatory mechanisms. During Workshop #3, Staff asked participants to provide input for possible “Term Sheets” to be presented by Staff during Workshop #4, Water Workshop #1, and Telecommunications Workshop #2.

Citizens’ Utility Board (CUB), Joint Energy Utilities, Joint Water Utilities, Small Business Utility Advocates (SBUA), and Multnomah County submitted “Term Sheets” or information for

the Workshops. Community Action Partnership of Oregon (CAPO) and Northwest Energy Coalition (NWECC) submitted comments earlier during Workshops #1 and #2. Using information received, Staff developed three separate “Term Sheets,” one for energy utilities, one for Class A and B water utilities<sup>6</sup>, and one for telecommunication utilities. These “Term Sheets” developed for specific industries were presented during various workshops conducted from August 26, 2020 to September 3, 2020.

Workshop #4 focused on the “Energy Utilities Term Sheet” developed by Staff with input from the Joint Energy Utilities, CUB, CAPO, NWECC, Energy Trust, SBUA, and Multnomah County. Discussions around the paragraphs in the Term Sheet were conducted, with the Parties making good progress during those discussions. Subsequent to Workshop #4, Joint Utilities, CUB, CAPO, NWECC, and Multnomah County submitted either tracked changes to Staff’s Term Sheet or comments suggesting changes and additions to Staff’s Term Sheet that were presented during Workshop #5. Further refinements of the terms occurred during Workshop #6.

Water Workshop #1 focused on the “Water Utilities Term Sheet” developed by Staff and the Water Utilities.

Telecommunications Workshop #2 focused on the “Telecommunications Term Sheet” developed by Staff with input from CUB and Telecommunications Utilities.

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<sup>6</sup> Class A water utilities consistently have annual revenue over \$1,000,000. Class B water utilities consistently have annual revenue between \$200,000 and \$999,000.

## Results and Agreements

Generally, there was a great deal of agreement, collaboration, and compromise by the parties to achieve the goals to protect utility customers during and after the COVID-19 pandemic. The agreements obtained during the process are contained in Appendices A, B, and C.

Agreements on the Water and Energy Term Sheets are being finalized. Although strong progress has been made on the Telecommunications Term Sheet, there is still work that needs to be done. Parties have agreed to numerous Term Sheet paragraphs and are attempting to reach agreement on certain key paragraphs. With that said, Parties continue to work together in hope of a developing a final agreement.

Should the Commission authorize the parties to execute stipulations incorporating the above terms, Staff will endeavor to obtain the agreement of the parties. If the parties are unable to reach agreement on terms that are satisfactory, Staff may present alternative recommendations for Commission action at a later date.

### Energy Term Sheet

Agreement is in the process of finalization on the Energy Term Sheet and will hopefully be endorsed by Portland General Electric (PGE), NW Natural (NWN), Pacific Power (PAC), Avista, Idaho Power (IPC), Cascade Natural Gas (Cascade), Staff, CUB, CAPO, Northwest Energy Coalition (NWECC), Verde, and Multnomah County Office Of Sustainability prior to the September 24, 2020, Special Public Meeting.

Although Small Business Utility Advocates (SBUA) was an active and contributing participant, SBUA stated in comments, dated September 8, 2020, that it is concerned about the base information considered by the group regarding small commercial customers. SBUA believes there is less utility data presented in COVID-19 proceedings with regard to small commercial customers regarding arrearages and disconnections, even though the impact of COVID-19 has been significant on small commercial customers. SBUA also believes the term sheet goes beyond

COVID-19 considerations, including the Governor's executive order on greenhouse gas emissions, EO 20-04, the Community Solar program, and rulemaking, at the least.

SBUA is also concerned about the earlier disconnect date, December 1, 2020, compared to the residential disconnect date of April 2021. SBUA floated the date for small commercial disconnect at January 1, 2021, to allow small commercial to continue operations through the December holidays. SBUA also believes that small commercial customers should be eligible for the arrearage management program.

SBUA also asks that the Commission Staff reach out more to Business Oregon, or other sister agencies, to learn more regarding impacts of COVID-19 on Oregon's small businesses. Staff agrees with SBUA on reaching out to Business Oregon, and Business Oregon participated in a couple of workshops. Business Oregon did mention the relief packages offered to small businesses by the CARES Act. These benefits include Paycheck Protection Loans, Small Business Administration (SBA) Economic Injury Disaster Loans, SBA Emergency cash grants, small business debt relief programs, and small business tax provisions. Business Oregon plans to provide comments to the Commission on the pandemic response.

***Major features of the Energy Utilities' Term Sheet include:***

- Disconnects for small commercial customers would not start until December 1, 2020, and only after certain proactive customer notifications are made.
- Disconnect notices to residential customers will not be sent until April 1, 2021, and only after certain proactive customer notifications are made. Utilities will provide that its notices are accessible to customers that are not English speakers based on languages relevant to that utility's customers.
- During the COVID-19 pandemic, Time Payment Arrangements (TPAs) will be offered up to 24 months for residential customers and up to six months to non-residential customers. Utilities may provide additional flexibility on duration of the TPA that could go beyond 24 months for residential customers or six months for small commercial customers based on the circumstances of a customer's ability to pay.

## COVID-19 AFTERMATH

- Residential and non-residential customers who seek to renegotiate a TPA may do so one time under the same terms of the original agreement.
- Utilities will continue to offer levelized payments in accordance with OAR 860-021-0415 to customers that have outstanding arrearage balances. When the levelized payment plan is established, Utilities will inform customers of Equal Payment Plans described in OAR 860-021-0414.
- Utilities will waive new deposit requirements associated with late or non-payment, arrearages, or credit related issues for new or existing residential customers, through October 1, 2022 (or later if separately extended outside the provisions of this Term Sheet).
- Utilities may apply existing residential and small commercial customer deposits to the associated residential and small commercial customer account that is in arrears as of April 1, 2021, for residential customers and December 1, 2020, for small commercial customers for purposes of reducing the arrearage.
- Prior to November 15, 2020, each Utility will reconnect those residential customers that request reconnection and who were disconnected for nonpayment between January 1, 2020 and March 13, 2020, except for circumstances related to unsafe conditions, tampering or theft.
- Utilities will not apply service disconnection and reconnection fees to residential customers until October 1, 2022. Parties agree to confer in good faith on or about October 1, 2021 to determine whether to request that the Commission modify the October 1, 2022 end date.
- Utilities will not accrue and collect late payment fees, interest, and penalties for all residential customers retroactive to the date of the start of the utility's disconnect moratorium and through October 1, 2022. Parties agree to confer in good faith on or about October 1, 2021 to determine whether to request that the Commission modify the October 1, 2022 end date.

- Utilities will continue their current practices of not reporting late payments and nonpayment for active customers to credit bureaus and reporting agencies.
- Under most circumstance, service disconnections for non-payment will be limited between the hours of 8:00 am and 2:00 pm to facilitate responsive, same-day reconnection of service through December 1, 2021.
- Utilities will not use third parties to collect past due charges for active customers.
- Utilities will allow initial self-certification of customer medical certificates when a medical certificate is required and allow customers two months to submit confirming certification from a qualified medical professional through October 1, 2022. Parties agree to confer in good faith on or about October 1, 2021 to determine whether to request that the Commission modify the October 1, 2022 end date.
- Each Utility, prior to resuming disconnections, will establish a program to identify and manage residential customer arrearages associated with the pandemic to prevent bad debt accumulating on utility accounts. The program may identify and waive residential arrearages at an initial amount of at least 1% of each utilities' Oregon 2019 retail revenues (approximately \$39 million combined total for all utilities), not to be increased without prior Commission approval.
- Utilities and Customer groups will jointly petition the Joint Legislative Emergency Board for additional taxpayer funded energy bill payment assistance payment funding (\$30 - \$50 million request if federal funds become available).
- Utilities and Customer groups agree to jointly petition the Oregon Legislature to increase the "Low Income Assistance" charge on residential customers' electric bill from \$0.69 to \$1.00. Additionally, gas utilities will, in accordance with legislative action, proportionately increase their public purpose charge to raise funds for low-income gas bill payment assistance.
- If a Utility does not already have a voluntary program where customers can choose to "round-up" their bill to the next whole dollar or other voluntary customer program to



provide bill assistance, the Utility will explore creating such a program. This will include studying the costs and benefits of such a program.

- Energy Utilities with decoupling (e.g. PGE, Avista, Cascade, and Northwest Natural) will continue to explore the possibility of excluding decoupling surcharges from customer bills for 2021, and to defer such surcharge amounts for later amortization in customer rates, no earlier than July 2022.
- Commission Staff and CAPO will recommend closure of UM 2058, Low-Income Investigation; and AR 637, Review of OAR 860-021-0405.
- Staff will review energy customer rules (OAR 860, Division 21) and request a temporary rulemaking no later than December 1, 2020, if changes need to be made. After the initial review is completed, Staff will notify utilities if a waiver of a rule is required to meet the terms and conditions in the stipulation.
- Staff will recommend approval of the Energy Utilities' applications for deferred accounting of COVID-19 related costs and benefits. Recovery of those amounts deferred will be subject to a future Commission prudence review proceeding to assure deferrals are either directly related to this stipulation or are related to other increased costs due to COVID-19. The deferrals will be accrued at an interest rate lower than the standard current practice of using utility's cost of capital demonstrating substantive shareholder contributions. Prudence reviews will be conducted on an annual basis even if amortization of deferrals is postponed.
- Energy utilities will provide to Commission Staff enhanced reporting for twelve quarters (three years) starting January 20, 2021 (for the previous quarter, October to December) and such reports will be provided on a quarterly basis after the end of the reporting quarter. Certain reporting requirements will be submitted on a monthly basis and by zip code (with additional four digits) starting November 20 for the month of October.
- Commission Staff shall convene an advisory committee to focus on low-income customers' energy burden and related social inequities. The Commission's Diversity,

Equity, and Inclusion Director shall staff the advisory committee for the Commission.

Other Low Income, Social Justice, and Environmental Justice initiatives include:

- Staff will convene workshops on arrearage management including examining the potential of including Deferred Payment Plans as an additional tool to assist customers.
- Staff will work with stakeholders to prioritize the investigation and implementation of policies to mitigate differential energy burdens, and other inequities of affordability, including rate design as the Commission moves forward with EO 20-04 implementation.
- Staff will work with stakeholders to propose exceptions to cost effectiveness tests and leverage other funding sources to increase availability of no-cost low-income weatherization, smart thermostats, manufactured home replacements, and other energy efficiency savings solutions such as ductless heat pumps.
- Staff will work interested stakeholders to examine ways to leverage federal and other funds to bring down the cost of Community Solar Program subscription fees for low-income customers; and reduce the contributing cost of roof top solar for low-income customers.
- Staff will work with stakeholders to determine effective ways to streamline enrollment in low-income programs.
- Staff in partnership with the Utilities and OHCS, will examine opportunities to perform geospatial analysis of Utility data. The analysis should include risk factors associated with race, income, and other social factors, as available.

### ***Shareholder Contributions***

In this Term Sheet, the energy utilities have agreed to accrue interest on the deferrals equal to the blended Treasury rate plus 100 basis points. (See Order No. 08-263 with regard to establishing Commission policy). This is a departure from the standard established by the Commission to use the company's authorized rate of return for deferral balances not yet reviewed for prudence. Assuming the blended Treasury rate (average of the interest on one-,

three- and five-year Treasury rates) plus 100 basis points is roughly 2.50 percent and a company's authorized rate of return of 7.50 percent, this would represent a 5.00 percent reduction in the interest rate that would accrue on the deferral balance.

This is a substantive interest differential and materially benefits customers by reducing the amounts recoverable by the utilities. As part of the agreement among the parties, each of the energy utility's deferral balance would be annually reviewed for prudence. Having annual prudence reviews, instead of a prudence review after all costs have been deferred, reduces the utility's risk of carrying the deferral during the pre-prudence period and provides more ongoing regulatory certainty to the utility regarding its deferral. All parties agree this treatment is reasonable given the unique nature of the current circumstances and is not precedential in any other Commission proceeding.

### **Water Term Sheet**

Agreement in principle was reached on the Water Term Sheet and a stipulation will be signed by the three participating Water Utilities, Staff, the Oregon Citizens' Utility Board (CUB), and Community Action Partners of Oregon (CAPO).

#### ***Major features of the Water Utilities Term Sheet include:***

- Disconnects would not start until December 1, 2020, and only after certain customer notifications are made.
- During the COVID-19 pandemic, Time Payment Arrangements (TPAs) will be offered up to 12 months for residential customers and up to three months to non-residential customers.
- Residential and non-residential customers who seek to renegotiate a TPA may do so one time under the same terms of the original agreement.
- Service disconnection and reconnection fees will not be applied until December 1, 2020.

- Late payment fees, interest, and penalties for all residential customers retroactive to the date of the start of disconnection moratoriums and through December 1, 2020, will not be accrued or collected.
- Prior to November 15, 2020, each Utility will reconnect those residential customers that request reconnection and who were disconnected for nonpayment between January 1, 2020 and March 13, 2020, except for circumstances related to unsafe conditions, tampering or theft.
- Water Utilities will continue their current practices of not reporting late payments and nonpayment for active customers to credit bureaus and reporting agencies.
- Under most circumstances, service disconnections for non-payment will be limited between the hours of 8:00 am and 2:00 pm to facilitate responsive, same-day reconnection of service through December 1, 2021.
- Water Utilities will not use third parties to collect past due charges from active residential customers, until December 31, 2022.
- Staff will review water customer rules (OAR 860, Division 36) and request a rulemaking no later than December 1, 2020, if changes need to be made. After the initial review is completed, Staff will notify utilities if a waiver of a rule is required to meet the terms and conditions in the stipulation.
- Staff will recommend approval of the Water Utilities' applications for deferred accounting of COVID-19 related costs and benefits. Recovery of those amounts deferred will be subject to a future Commission prudence review proceeding to assure deferrals are either directly related to this stipulation or are related to other increased costs due to COVID-19. The deferrals will be accrued at a lower interest rate than the utility's cost of capital demonstrating meaningful shareholder contributions.
- Class A and B water utilities will provide to Commission Staff enhanced reporting for eight quarters (two years) starting January 29, 2021 (for the previous quarter, October to December) and such reports will be provided on a quarterly basis after the end of the reporting quarter.

Although the conditions above apply to the participating water utilities, Staff recommends that all Class A and B water utilities be required to adhere to the reporting requirements. Staff believes this information is critical in evaluating the overall effects of the COVID-19 pandemic and recovery from the pandemic. Staff will propose rule language to set temporary reporting requirements for all Class A and Class B utilities before the end of 2020.

### **Telecommunications Term Sheet**

Although strong progress was initially made on the Telecommunications Term Sheet, the parties have yet to reach a final agreement in principle. The Telecommunications Term Sheet was the least comprehensive Term Sheet, in recognition of the fact that telecommunications is both a competitive industry and has a different regulatory structure. Discussions are still ongoing with parties.

#### ***Major features of the Telecommunications Utilities' Term Sheet include:***

- Disconnects would not start until October 1, 2020, and only after certain customer notifications are made.
- During the COVID-19 pandemic, Time Payment Arrangements (TPAs) will be offered up to 12 months but no less than three months for both residential and business customers proportionate to the amount owed.
- A residential customer whose financial condition changes during the term of a TPA, or a residential customer who defaults the first time on a TPA and who seeks to renegotiate payment arrangements, may do so at least one time in a 12-month period.
- Each Telecommunications Utility will prominently display information on Oregon Lifeline and Oregon Lifeline enhanced benefits on its websites to inform potentially income eligible customers of the Oregon Lifeline program in order to increase overall participation. Telecommunications Utilities will also, in good faith, enhance their promotion of the Oregon Lifeline program. Enhanced promotion includes additional outreach to customers, including furnishing two bill inserts - one in the fourth quarter of

2020 and one in the first quarter of 2021, enhanced e-mail communications, and coordination with the Commission's Oregon Lifeline Program Manager.

- Telecommunications Utilities will not report late payments and nonpayment for active customers to credit bureaus and reporting agencies through April 1, 2021.
- Each Telecommunications Utility that has annual Local and Intrastate Switched Access operating revenue of over \$1,000,000 per year on a regular basis as presented in the most recent Oregon Utility Annual Statistics will provide relevant credit and collections data sufficient to evaluate customer needs to the Commission for eight quarters (two years) starting January 31, 2021.
- The stipulation, other than the reporting requirements, will expire April 1, 2021.

Staff would like to thank all parties for their patience, passion for considering low-income and disadvantaged customers, and willingness to work in a collaborative fashion to produce the best possible results for customers of Oregon investor-owned utilities. Staff also recognizes that there is a great deal of work going forward to address and attempt to correct systemic barriers faced by low-income customers of Oregon investor-owned utilities, or other groups of customers that have not had equitable access to certain programs, services, and opportunities. As a result, Staff is dedicated to work smartly on the Low Income, Social Justice and Environmental Justice paragraphs of the Energy Utilities Term Sheet. Additionally, Staff is committed to work with all Parties to ensure Utility filings that resulted from the Term Sheets receive a thorough analysis to allow the Commission to make informed decisions on filings.

Although this report does not address every aspect of the discussions that occurred between the participants in the workshop process, Staff stands ready to describe its efforts, and to invite participants to share their views, as the Commission conducts its inquiries and deliberations on the topics discussed herein. Staff also notes, however, that the process involved some negotiation and discussion of ideas that the participants intend to keep confidential, which assisted the process of full engagement and an exchange of ideas and concepts.

This report was included as part of Staff's Report to the Commission during the September 24, 2020, Special Public Meeting. At the Special Public Meeting, the Commission adopted Staff's Proposed Motion to:

Authorize Staff and the affected utilities and stakeholders to execute three stipulations incorporating the attached term sheets (Energy, Water, and Telecommunications) that were developed during the Commission's investigation into the Effects of the COVID-19 Pandemic on Utility Customers.

## Appendix A

### ***Oregon Non-Binding Term Sheet – Energy Utilities***

This Term Sheet describes the basic terms and conditions to be included in a stipulation waiving hearing rights that would address the disconnection of utility services and the imposition of late fees due to the COVID-19 pandemic. The intent of the stipulation would be to:

- A) Memorialize the customer protections that electric and natural gas utilities (“Utilities”) subject to the jurisdiction of the Public Utility Commission of Oregon (“Commission”) have voluntarily put in place during the COVID-19 pandemic;
- B) Obtain an order from the Commission directed to each participating utility approving the stipulation and memorializing the public process that led to the stipulation;
- C) Establish additional customer protections for residential and small commercial customers to mitigate the resumption of utility service disconnections and late fees; and
- D) Establish regulatory certainty for incremental net costs that Utilities have incurred and will incur as a result of the COVID-19 pandemic, including but not limited to all costs associated with the topics of this settlement.

This Term Sheet is proposed by Staff to address an immediate need to address the purposes listed above. It is not binding on the Commission nor to be used for any other purpose.

No Party to a stipulation incorporating this Term Sheet shall be deemed to have approved, admitted, or consented to the facts, principles, methods, or theories employed by any other Party in arriving at this Term Sheet. No Party shall be deemed to have agreed that any provision of this Term Sheet and the resulting stipulation is appropriate for resolving issues in any subsequent proceeding, except for purposes of carrying out the provisions of this Term Sheet, in the subsequent dockets necessary to effectuate this Term Sheet as incorporated in a stipulation.

Each signatory to a stipulation incorporating this Term Sheet will acknowledge that they are signing that stipulation in good faith and that they intend to abide by the terms of the stipulation unless and until it is rejected or adopted only in part by the Commission. If the Commission rejects all or any material part of this Term Sheet or adds any material condition to



any final order that is not consistent with this Term Sheet, each Party reserves its right to withdraw from the Stipulation.

Definitions of “small commercial” customers will be provided by each of the Utilities based on each utility’s applicable tariffs.

### ***Suspension of Utility Disconnections and the Imposition of Late Fees***

1. Due to the COVID-19 pandemic, on or about March 13, 2020, the Utilities initiated a voluntarily suspension of disconnecting customers for non-payment and the imposition of late fees on past due bills.
2. All utilities will continue notifying customers of arrearages and flexible payment options with no threat of disconnection until such time that disconnection notices are allowed as specified in paragraph 4.
3. All Utilities have engaged and will continue to engage in proactive customer outreach throughout the COVID-19 pandemic. In addition to this outreach, each Utility must notify its customers with past due balances at least 30 days before issuing a 15-day notice of disconnection of: 1) the resumption of utility service disconnections and late fees, and 2) all flexible payment options that are available to avoid disconnection as specified below.
  - a. For small commercial customers with past due balances, the notice must include information on the time payment arrangement (“TPA”) as described below, and how to enroll in each flexible payment option.
  - b. Each Utility is responsible for providing that its notices are accessible to customers that are not English speakers based on languages relevant to that utility’s customers.
  - c. For residential customers with past due balances, the notice must include all information in paragraph 3(a). In addition, the notice must also outline other programs that may provide financial assistance to the customer, such as the Low-Income Home Energy Assistance Program (“LIHEAP”) and a program to identify and address bad debt on utility accounts as described in paragraph 18.
  - d. For all other commercial and industrial customers, each utility may resume normal billing operations upon approval of this term sheet.

All information that a Utility provides pursuant to this paragraph will also be made available on its website.

4. For small commercial customers, the Utilities may resume imposing late fees (in accordance with OAR 860-021-0126) and disconnecting service for non-payment (in accordance with OAR 860-021-0505) on December 1, 2020. For residential customers, the Utilities may resume the 15-day disconnection notice (in accordance with OAR 860-021-0405) on April 1, 2021. 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. Commission Staff will schedule a workshop early in 2021 to review the COVID-19 situation to determine if additional actions should be taken. Once a utility resumes disconnections as authorized under this paragraph, a Utility may only disconnect a customer for non-payment only after the following has occurred:
  - a. The Utility has provided notice to the customer subject to disconnection as provided in paragraph 3;
  - b. The Utility has provided notice to the customer subject to disconnection as specified in applicable regulations and the Utility's tariff;
  - c. The Utility has made a good faith effort to contact the customer to inform the customer of flexible payment options, financial assistance programs, and any other means to avoid disconnection. These efforts must be documented by the Utility; and
  - e. The requisite period of time specified in the Utility's tariff for the customer to enter into an arrangement to avoid disconnection has passed.

### ***Additional Customer Programs and Initiatives***

5. Each Utility currently offers TPAs of various durations. Each Utility will offer TPAs up to 24 months for residential customers and up to six months to small commercial customers. Utilities may provide additional flexibility on duration of the TPA that could go beyond 24 months for residential customers or six months for small commercial customers based on the circumstances of a customer's ability to pay. For residential customers, no down payment is required. For small commercial customers, a minimum 10% down payment is required. For natural gas utilities, TPAs under this paragraph are not available to transportation customers.
6. During the term of the TPA, a residential customer or small commercial customer whose financial condition changes during the term of a TPA, or a residential customer or small

commercial who defaults on a TPA and who seeks to renegotiate payment arrangements, may do so at least one time under the same terms specified above.

7. Utilities will continue to offer levelized payments in accordance with OAR 860-021-0415 to customers that have outstanding arrearage balances. When the levelized payment plan is established, Utilities will inform customers of Equal Payment Plans described in OAR 860-021-0414.
8. Each Utility shall waive new deposit requirements associated with late or non-payment, arrearages, or credit related issues for new or existing residential customers, through October 1, 2022 (or later if separately extended outside the provisions of this Term Sheet). Utilities may include associated costs in deferral tracking as described below.
9. Utilities may apply existing residential and small commercial customer deposits to the associated residential and small commercial customer account that is in arrears as of April 1, 2021, for residential customers and December 1, 2020, for small commercial customers for purposes of reducing the arrearage.
10. Prior to November 15, 2020, each Utility will reconnect those residential customers that request reconnection and who were disconnected for nonpayment between January 1, 2020 and March 13, 2020; except for when reconnection could compromise safe operations, the Utility has proof that the customer benefitted from theft or tampering, or the premises are vacant or unoccupied. Reconnections will only be offered for the same service address that was previously disconnected for nonpayment, and each Utility shall waive any fees for reconnections provided under this paragraph.
11. Utilities will not apply service disconnection and reconnection fees to residential customers until October 1, 2022. Utilities may include associated costs in deferral tracking as described below. Parties agree to confer in good faith on or about October 1, 2021 to determine whether to request that the Commission modify the October 1, 2022 end date.
12. Utilities will not accrue and collect late payment fees, interest, and penalties for all residential customers retroactive to the date of the start of the utility's disconnect moratorium and through October 1, 2022. Utilities may include associated costs in deferral tracking as described below. Parties agree to confer in good faith on or about October 1, 2021 to determine whether to request that the Commission modify the October 1, 2022 end date.
13. Service disconnections for non-payment will be limited between the hours of 8:00 am and 2:00 pm to facilitate responsive, same-day reconnection of service through October 1, 2022.

Utilities will endeavor to reconnect customers on the same day of disconnections if opportunity and time allows for same day reconnections. Parties agree to confer in good faith on or about October 1, 2021 to determine whether to request that the Commission modify the October 1, 2022 end date.

14. Utilities will continue their current practices of not reporting late payments and nonpayment for active customers to credit bureaus and reporting agencies.
15. Utilities will not use third parties to collect past due charges for active customers.
16. Utilities will allow initial self-certification of customer medical certificates when a medical certificate is required and allow customers two months to submit confirming certification from a qualified medical professional through October 1, 2022. Parties agree to confer in good faith on or about October 1, 2021 to determine whether to request that the Commission modify the October 1, 2022 end date.
17. The Utilities will provide relevant credit and collections data to the Commission. A list of such data was developed in discussion with the signatories to the stipulation. These discussions included weighing the costs and benefits of providing such data and the underlying purpose in collecting it. Attachment A includes the timing and a list of reporting requirements that will be required under a stipulation.
18. Each Utility, prior to resuming disconnections, will establish a program to identify and manage residential customer arrearages associated with the pandemic to prevent bad debt accumulating on utility accounts. The program may identify and waive residential arrearages at an initial amount of at least 1% of each utilities' 2019 Oregon retail revenues (approximately \$39 million combined total for all utilities), not to be increased without prior Commission approval. Eligibility and funding amounts for each Utility will be specified in addendums to this Term Sheet. Parties can propose a process to address any unspent funds if the Utility program covers arrearage forgiveness in accordance with the Utility's funding addendums and funds are remaining. Utilities may include program costs and uncollectible expense identified in deferral tracking as described below.
19. Utilities and Customer groups will jointly petition the Joint Legislative Emergency Board for additional taxpayer funded energy bill payment assistance payment funding (\$30 - \$50 million request if federal funds become available).
20. Utilities and Customer groups agree to jointly petition the Oregon Legislature to increase the "Low Income Assistance" charge on residential customers' electric bill from \$0.69 to \$1.00. Additionally, gas utilities will, in accordance with legislative action, proportionately

increase their public purpose charge to raise funds for low-income gas bill payment assistance.

21. If a Utility does not already have a voluntary program where customers can choose to “round-up” their bill to the next whole dollar or other voluntary customer program to provide bill assistance, the Utility will explore creating such a program. This will include studying the costs and benefits of such a program.
22. Energy Utilities (PGE, Avista, Cascade, and Northwest Natural) will continue to explore the possibility of excluding decoupling surcharges from customer bills for 2021, and to defer such surcharge amounts for later amortization in customer rates, no earlier than July 2022. Parties will continue to hold discussions on the interactions of decoupling with these programs and this Term Sheet in a prompt manner.
23. Commission Staff and CAPO will recommend closure of UM 2058, Low-Income Investigation; and AR 637, Review of OAR 860-021-0405 as these dockets were adequately addressed during the COVID-19 workshops, rules review, and future actions included in “Low Income, Social Justice & Environmental Justice” portions of the Term Sheet.
24. Commission Staff will review current rules and request to open a rulemaking to revise the following (and other applicable) rules, if changes are required, no later than December 1, 2020 and recommend temporary rulemaking when necessary. The permanent rulemaking process will include both informal and formal stages. Staff will convene workshops as part of the informal process to allow focus on low-income issues.
  - a. OAR 860-021-0125, Due and Payable Period
  - b. OAR 860-021-0126, Late Payment Charge
  - c. OAR 860-021-0200, Establishing Credit for Residential Service
  - d. OAR 860-021-0205, Deposit Payment Arrangements for Residential Service
  - f. OAR 860-021-0210, Interest on Deposits for Residential and Nonresidential Service by Rate-Regulated Utilities
  - g. OAR 860-021-0215, Refund of Deposits
  - h. OAR 860-021-0305, Grounds for Involuntary Disconnection
  - i. OAR 860-021-0326, Disconnection of Gas or Electric Service to Tenants

- j. OAR 860-021-0328, Reconnection of Residential Energy Utility Service
- k. OAR 860-021-0330, Reconnection Fee for Utility Service
- l. OAR 860-021-0405, Notice of Pending Disconnection of Residential Electric or Gas Service
- m. OAR 860-021-0410, Emergency Medical Certificate for Residential Electric and Gas Service
- n. OAR 860-021-0414, Equal-Payment Plans for Residential Electric and Gas Service
- o. OAR 860-021-0415, Time-Payment Agreements for Residential Electric and Gas Service (Nonmedical Certificate Customers)
- p. OAR 860-021-0505, Disconnection Procedures for All Commercial Electric and gas Utility Customers

After the initial review is completed, Staff will notify utilities if a waiver of a rule is required to meet the terms and conditions in this Term Sheet.

### ***Utility Costs Resulting from COVID-19***

25. The signatory parties agree that the Utilities' applications for deferred accounting of COVID-19 related costs and benefits should be submitted with an approval recommendation to the Commission and recovery of those amounts deferred will be subject to a future Commission prudence review as specified in paragraph 25(g). The prudence review proceeding will assure deferrals are either directly related to this Term Sheet or are related to other increased costs due to COVID-19. The signatory parties recommend that the applications for deferred accounting be approved at the first or second public meeting following the approval of this Term Sheet. These COVID-19 related deferrals shall consist of the following:

- a. Direct costs for reasonable measures taken by the Utility in response to the COVID-19 pandemic, including, but not limited to: incremental personal protective equipment, cleaning supplies and services, contact tracing, medical testing, financing costs to secure liquidity including carrying costs associated with TPAs, information technology updates and administration needed to enact the stipulation, and equipment needed for remote work options. Direct costs are net of credits, payments, direct cost savings, or other benefits received by the Utility from a federal, state, or local government that are directly related to a

COVID-19 direct cost, including federal, state, or local tax credits or benefits. Due to the unprecedented nature of the COVID-19 pandemic, not all costs may be known at this time. Utilities are not limited to deferring costs that are expressly enumerated above; provided, however, that all such costs are subject to a future Commission prudence review proceeding.

- b. The amount of late payment fees not assessed to customers between March 1, 2020 through October 1, 2022. The amount of deferred late fees recorded in any year, including any late payment fees that were assessed prior to any suspension in that year if applicable, shall not exceed the amount of late payment fees included in the Commission's final order from the utility's last general rate case.
- c. For bad debt expense, the amount that is currently being collected from customers for bad debt, as determined in its last general rate proceeding, would be the baseline. Any amount of bad debt expense incurred above this baseline, including arrearage amounts waived and associated program costs identified under paragraph 18, in 2020, 2021, and 2022 would be deferred for later recovery.
- d. For reconnections and field visits that occur between April 1, 2021 and October 1, 2022, the amount of forgone reconnection charges and field visits that do not result in disconnection and field connection charges not assessed to customers.
- e. The amount of forgone reconnection charges incurred through November 15, 2020 related to customers that may have been disconnected prior to the March 13, 2020 suspension of disconnects. Forgone reconnection fees shall not exceed the amount equal to one reconnection fee per customer who was reconnected to service without charge, pursuant to paragraph 10. The reconnection fee shall be calculated using the applicable reconnection fee available in the Utility's tariff for reconnection during regular working hours for the reconnected customer.
- f. All costs to fund a COVID-19 bill payment assistance program, as described in paragraph 18, if funding is authorized.
- g. The parties agree that the deferral balance will be reviewed for prudence on an annual basis. The specific timing of the annual prudency review will be established in each Utility's docket requesting deferred accounting. The timing of

the amortization and the amortization period will be determined as part of the prudency review process.

The deferral balance, whether being accrued (pre-prudence), found to be prudent in an annual prudence review (pre-amortization), or being amortized, shall accrue the same interest rate, equal to the blended Treasury rate plus 100 basis points. To the extent the amortization of the deferral is more than two years for a Utility, that Utility may request that the Commission authorize a larger basis point spread. For regulatory and ratemaking purposes, the financing of the deferral will not be included in the capital structure of the utility.

26. Each Utility shall provide the Commission with reports that itemize the utility costs, savings, and benefits resulting from COVID-19 described in paragraph 25. The first report will be for the period between March 1, 2020 and September 30, 2020, and shall be filed by November 1, 2020. Thereafter, reports will be due 30 days after the close of each quarter and shall include information from previous quarter. Each utility shall file a Report for every quarter until the quarter ending December 31, 2023, unless waived by the Commission.

### ***Low Income, Social Justice & Environmental Justice***

27. All signatory parties agree to recommend that the Commission open an investigation and begin a discussion to improve utility service for low income customers and develop a framework to analyze utility proposals through the lens of environmental and social justice. The investigation and discussion will not be focused on the specific impacts of COVID-19 and will not alter the commitments made in the paragraphs above. The investigation and discussion will be open to all interested stakeholders.
28. Commission Staff shall convene an advisory committee to focus on low-income customers' energy burden and related social inequities. The Commission's Diversity, Equity, and Inclusion Director shall staff the advisory committee for the Commission. The advisory committee shall, among other responsibilities, make policy recommendations on dockets, as appropriate, and shall include participation from community-based and other non-profit organizations, and other interested customer advocates, particularly those organizations and entities representing impacted communities.
29. Commission Staff will host a series of workshops to identify arrearage management best practices for energy and water utilities:
  - a. Working with customers to avoid disconnections.



- b. Working with customers to provide timely reconnections.
  - c. Working with community-based organizations, including but not limited to Community Action Agencies to coordinate bill management, and bill payment assistance.
  - d. By December 15, 2020, Parties will discuss the possibility of implementing Deferred Payment Plans (DPPs) to assist customers. Upon approval of the Term Sheet, Utilities will commence examination of the costs, barriers, and benefits of this program to enable discussions of possibly going forward with DPPs on April 1, 2021.
- 30. As the PUC moves forward with implementation of EO 20-04, Commission Staff, in cooperation with OHCS, will work with the Commission to prioritize the investigation and implementation of policies to mitigate differential energy burdens, and other inequities of affordability, including rate design and other programs to mitigate energy burden – this will include low-income discounts and differential rate options; as well as the effects of these programs on other residential ratepayers.
- 31. All interested stakeholders will work with the PUC and Energy Trust (or program administrators) to propose exceptions to cost effectiveness tests and leverage other funding sources to increase availability of no-cost low-income weatherization, smart thermostats, manufactured home replacements, and other energy efficiency savings solutions such as ductless heat pumps. The Commission’s Energy Efficiency Staff shall convene and schedule these meetings.
- 32. All interested stakeholders will work with the PUC and program administrators to examine ways to leverage federal and other funds to bring down the cost of Community Solar Program subscription fees for low-income customers; and reduce the contributing cost of roof top solar for low-income customers. The Commission’s Community Solar Program Staff shall convene and schedule these meetings.
- 33. All interested stakeholders will work together to determine effective ways to streamline enrollment in low-income programs. The Commission’s Low Income Roundtable Staff shall convene and schedule these meetings.
- 34. Commission Staff in partnership with the Utilities and OHCS, will examine opportunities to perform geospatial analysis of Utility data provided in Appendix A of this Term Sheet. The analysis should include risk factors associated with race, income, and other social factors, as available.

***Energy Utilities Reporting Requirements***

Energy utilities will provide the enhanced reporting for 12 quarters (three years) starting January 20, 2021 (for the previous quarter, October 2020 to December 2020) and such reports will be provided on a quarterly basis, except that Subparagraphs a, b, c, d, j, l, and m will be submitted on a monthly basis and by zip code starting November 20 for the month of October:

- a. The number of customers, by customer class;
- b. The number of customers, by customer class, assessed late payment fees or charges during the period;
- c. The number of customers, by customer class, enrolled in a current Time Payment Agreement (TPA);
- e. The number of customers enrolling in a new TPA;
- f. The number of customers completing a TPA during the period;
- g. The number of customers, by customer class, renegotiating TPAs during the period;
- h. The number of customers taking service at the bill payment assistance program developed in this Term Sheet;
- i. The number of customers taking service at the beginning of the period under existing medical payment arrangements;
- j. The number of customers enrolling in new medical payment arrangements during the period;
- k. Total number of residential customers and small commercial (based on Utilities' tariffs) with arrearage balances, segmented by 30-60 days; 61-90 days; 91+ days. Reports will include total arrearages and average arrearages for each segment, and be broken down by zip code;
- l. Total number of disconnection communications delivered by vintage (15-day, 5-day, personal contact);
- m. Total number of service disconnections for non-payment; and

- n. Total number of service reconnections, segmented by 24-hour reconnect, 48-hour reconnect, less than seven-day reconnect, and more than seven-day reconnect.

## Appendix B

### Oregon Non-Binding Term Sheet for Class A and B Water Utilities

#### ***Suspension of Utility Disconnections and the Imposition of Late Fees***

1. Due to the COVID-19 pandemic, on or about March 13, 2020, certain of the Utilities voluntarily initiated a suspension of disconnecting customers for non-payment and the imposition of late fees on past due bills.
2. For Utilities that have suspended disconnections for nonpayment and imposition of late fees on past due bills, between October 1, 2020 and November 30, 2020, each Utility must notify in writing all its residential and commercial customers with past due balances of: 1) the resumption of utility service disconnections and late fees, and 2) all flexible payment options that are available to avoid disconnection. The notice must include the time payment arrangement (“TPA”) described below, and how to enroll in a TPA.
3. The Utilities may resume disconnecting service for non-payment on and after December 1, 2020. After that date, a Utility may disconnect a customer for non-payment only after the following has occurred:
  - a. The Utility has provided notice to the customer subject to disconnection as provided in paragraph 2.
  - b. The Utility has provided notice to the customer subject to disconnection as specified in applicable regulations and the Utility’s tariff;
  - c. The Utility has made a good faith effort to contact the customer to inform the customer of flexible payment options, financial assistance programs, and any other means to avoid disconnection. These efforts will be documented consistent with utilities current practices; and
  - d. The requisite period of time specified in the Utility’s tariff for the customer to enter into an arrangement to avoid disconnection has passed.

#### ***Additional Customer Programs and Initiatives***

4. Due to the COVID-19 pandemic, each Utility will offer TPAs of up to 12 months for residential customers and up to three months to non-residential customers. For residential customers, no down payment is required. For non-residential customers, a minimum 10%

down payment may be required. A Utility may provide flexibility on the length of a TPA based on a customer's circumstances relating to the pandemic, balancing the customer's circumstances and prudent utility operating practices.

5. A residential customer who defaults the first time on a TPA or who seeks to renegotiate payment arrangements, may do so at least one time under the same terms specified above.
6. A non-residential customer who defaults the first time on a TPA or who seeks to renegotiate payment arrangements, may do so at least one time under the same terms specified above.
7. Each Utility shall not apply service disconnection and reconnection fees until December 1, 2020. Utilities may include associated costs in deferral tracking as described below.
8. Each Utility will not accrue and collect late payment fees, interest, and penalties for all residential customers retroactive to the date of the start of disconnection moratoriums and through December 1, 2020. Utilities may include associated costs in deferral tracking as described below.
9. Prior to November 15, 2020, each Utility will reconnect those residential customers that request reconnection and who were disconnected for nonpayment between January 1, 2020 and March 13, 2020, except for when reconnection could compromise safe operations, the Utility has proof that the customer benefitted from theft or tampering, or the premises are vacant or unoccupied. Reconnections will only be offered for the same service address that was previously disconnected for nonpayment, and each Utility shall waive any fees for reconnections provided under this paragraph.
10. Utilities will continue their current practices of not reporting late payments and nonpayment for active customers to credit bureaus and reporting agencies.
11. Service disconnections for non-payment will be limited between the hours of 8:00 am and 2:00 pm to facilitate responsive, same-day reconnection of service through December 1, 2021. Utilities will endeavor to reconnect customers on the same day of disconnections if opportunity and time allows for same day reconnections.
12. Utilities will provide relevant credit and collections data to the Commission as listed in Attachment A. The list of such data was developed in discussion with the signatories to the stipulation. These discussions included weighing the costs and benefits of providing such data and the underlying purpose in collecting it. Attachment A includes a list of reporting required by a stipulation.

13. Utilities will not use third parties to collect past due charges from active residential customers, until December 31, 2022. Utilities may include associated costs in deferral tracking as described below.
14. Staff will review and request a rulemaking to revise the following (and other applicable) rules no later than December 1, 2020, if changes are required and recommend a temporary rulemaking when necessary:
  - a. OAR 860-036-1210, Establishing Credit for Residential Service
  - b. OAR 860-036-1220, Deposits for Residential Service
  - c. OAR 860-036-1230, Surety Agreements
  - d. OAR 860-036-1240, Deposit Payment Arrangements for Residential Service
  - e. OAR 860-036-1250, Interest on Deposits for Residential and Nonresidential Service by Rate-Regulated Utilities
  - f. OAR 860-036-1260, Refund of Deposits
  - g. OAR 860-036-1410, Application of Partial Payments
  - h. OAR 860-036-1420, Time-Payment Agreements for Residential Electric and Gas Service (Nonmedical Certificate Customers)
  - i. OAR 860-036-1430, Late Payment Charge
  - j. OAR 860-036-1500, Grounds for Involuntary Disconnection
  - k. OAR 860-036-1510, Required Notices for Involuntary Disconnection
  - l. OAR 860-036-1520, Delivery of Notices for Involuntary Disconnection
  - m. OAR 860-036-1530, Water Utility Requirements on the Day of Involuntary Disconnection
  - n. OAR 860-036-1550, Disconnection of Water Service to Tenants
  - o. OAR 860-036-1570, Reconnection of Residential Water Service
  - p. OAR 860-036-1580, Disconnection, Reconnections, and Field Visit Charges

- q. OAR 860-036-1590, Tampering with Water Utility Facilities, Theft, or Unauthorized Use of Water

After the initial review is completed, Staff will notify utilities if a waiver of a rule is required to meet the terms and conditions in the stipulation.

### **Utility Costs Resulting from COVID-19**

15. The signatory parties agree that the Utilities' applications for deferred accounting of COVID-19 related costs and benefits should be approved by the Commission, and recovery of those amounts deferred will be subject to a future Commission prudence review proceeding to assure deferrals are either directly related to this stipulation or are related to other increased costs due to COVID-19. These COVID-19 related deferrals shall consist of the following:
  - a. Direct costs for reasonable measures taken by the Utility in response to the COVID-19 pandemic, including, but not limited to: incremental personal protective equipment, cleaning supplies and services, contact tracing, medical testing, financing costs to secure liquidity including carrying costs associated with TPAs, information technology updates and administration needed to enact the stipulation, and equipment needed for remote work options. Direct costs are net of credits, payments, cost savings, or other benefits received by the Utility from shareholder contributions or a federal, state, or local government that are directly related to a COVID-19 direct cost, including federal, state, or local tax credits or benefits. Due to the unprecedented nature of the COVID-19 pandemic, not all costs may be known at this time. Utilities are not limited to deferring costs that are expressly enumerated above; provided, however, that all such costs are subject to a future Commission prudence review proceeding.
  - b. The amount of late payment fees not assessed to customers between March 1, 2020 and when the Utility resumes collection activity and disconnections. The amount of late payment fees not assessed shall be calculated assuming only one late payment fee is assessed per customer, (if such customer would have been charged a late payment fee over the March through November 2020 time period) with such late payment amount equal to the current bill and any past due amounts (up to November 30, 2020) excluding the effects of any compounding of interest charges.

- c. For bad debt expense, the amount that is currently being collected from customers for bad debt, as determined in its last general rate proceeding, would be the baseline. Any amount of bad debt expense incurred above this baseline in would be deferred for later recovery.
  - d. The amount of forgone reconnection charges, field visits that do not result in disconnection, and field connection charges not assessed to customers between March 1, 2020 and December 1, 2020. These forgone reconnection charges and field connection charges shall not exceed the difference between the actual charges recorded by the utility in 2020 and the authorized annual level of reconnection charges and field connection charges authorized in the Utility's last rate case.
  - e. The amount of forgone reconnection charges incurred through November 15, 2020 related to customers that may have been disconnected prior to the March 13, 2020 suspension of disconnects. Forgone reconnection fees shall not exceed the amount equal to one reconnection fee per customer who was reconnected to service without charge, pursuant to paragraph 9. The reconnection fee shall be calculated using the applicable reconnection fee available in the Utility's tariff for reconnection during regular working hours for the reconnected customer.
  - f. The deferral balance whether being accrued or being amortized, shall accrue the same interest rate, and equal to the blended Treasury rate plus 100 basis points. To the extent the amortization of the deferral is more than two years for a utility, the utility may request a larger basis point spread reflecting the pattern of interest rates in the then current yield curve for Treasury securities.
16. Each Utility that has requested regulatory assets for costs associated with COVID-19 shall provide the Commission with the following reports that itemize the utility costs resulting from COVID-19 described in the previous paragraphs. The first report will be for the period between March 1, 2020 and September 30, 2020, and shall be filed by December 1, 2020. The second report will be for the period between October 1, 2020 and December 31, 2021, and shall be filed by February 26, 2022.

### **Class A and B Utilities Reporting Requirements**

Class A and B water utilities will provide to Commission Staff enhanced reporting for eight quarters (two years) starting January 29, 2021 (for the previous quarter, October to December) and such reports will be provided on a quarterly basis after the end of the reporting quarter:



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- a. The number of connections as of the end of the quarter, by customer class;
- b. The number of customers as of the end of the quarter, by customer class, assessed late payment fees or charges during the period;
- c. The number of customers as of the end of the quarter, by customer class, enrolled in a current Time Payment Agreement (TPA);
- d. The number of customers enrolling in a new TPA;
- e. The number of customers completing a TPA during the period;
- f. The number of customers, by customer class, renegotiating TPAs during the period;
- g. Total number of residential customers with arrearage balances, segmented by 30-60 days; 61-90 days; 91+ days. Reports will include total arrearages and average arrearages for each segment;
- q. Total number of disconnection communications delivered by vintage (15-day, 7-day);
- r. Total number of service disconnections for non-payment; and
- s. Total number of service reconnections, segmented by same-day / next-day reconnect, and any reconnect occurring after next day.

## Appendix C

### Oregon Non-Binding Term Sheet – Telecommunications Utilities

This Term Sheet describes the basic terms and conditions to be included in a stipulation waiving hearing rights that would address the disconnection of telecommunications utility services and the imposition of late fees due to the COVID-19 pandemic. The intent of the stipulation would be to:

- A) Memorialize the customer protections that telecommunications utilities (“Telecommunications Utilities”) subject to the jurisdiction of the Public Utility Commission of Oregon (“Commission”) have voluntarily put in place during the COVID-19 pandemic;
- B) Obtain an order from the Commission directed to each participating telecommunications utility approving the stipulation and memorializing the public process that led to the stipulation; and
- C) Establish additional customer protections to mitigate the resumption of telecommunications service disconnections and late fees.

#### ***Suspension of Utility Disconnections and the Imposition of Late Fees***

1. In response to the COVID-19 pandemic, and the challenges that many Americans have faced, the FCC announced the Keep Americans Connected Initiative on March 13, 2020 and extended it to June 30, 2020. The Initiative was announced in order to ensure that Americans did not lose their broadband or telephone connectivity as a result of these exceptional circumstances.
2. Many Telecommunications Utilities, on their own initiative, extended the pledge well beyond the June 30, 2020, end of the pledge.
3. Many Telecommunications Utilities have engaged in proactive customer outreach throughout the COVID-19 pandemic. In addition to this outreach, telecommunications utilities that has not already notified customers, must upon approval of the stipulation, notify customers with past due balances of: 1) the resumption of telecommunications service disconnections and late fees, and 2) all flexible payment options that are available to avoid disconnection as specified below. The communications with customers must also outline other programs that may provide financial assistance to the customer including Oregon Lifeline.

4. Telecommunications Utilities that extended the pledge may impose late fees and disconnect service for non-payment after October 1, 2020. During the duration of the stipulation, Telecommunications Utilities may disconnect a customer for non-payment only after the following has occurred:
  - a. Telecommunications Utility has provided notice to the customer subject to disconnection as provided in paragraph 3;
  - b. Telecommunications Utility has provided notice to the customer subject to disconnection as specified in applicable regulations and the Telecommunications Utility's tariff;
  - c. Telecommunications Utility has made a good faith effort to contact the customer to inform the customer of flexible payment options, financial assistance programs, and any other means to avoid disconnection. These efforts will be documented; and
  - d. The requisite period of time specified in the Telecommunications Utility's tariff for the customer to enter into an arrangement to avoid disconnection has passed.

The information that a Telecommunications Utility provides pursuant to this paragraph will also be available on its website.

### ***Additional Customer Programs and Initiatives***

5. Each Telecommunications Utility will offer Time Payment Agreements (TPAs) as described in and this Term Sheet and OAR 860-021-0415 for large telecommunications utilities; and OAR 860-034-0276 for small telecommunications utilities up to 12 months for residential customers, but no less than three months for both residential and business customers proportionate to the amount owed; unless otherwise requested by the customer. The parties agree to support a request for waiver of any sections in OAR 860-034-0276 for which waiver is necessary under the provisions of this Term Sheet. Telecommunications Utilities may provide additional flexibility on duration of the TPA based on the circumstances of a customer's ability to pay.
6. A residential customer whose financial condition changes during the term of a TPA, or a residential customer who defaults the first time on a TPA and who seeks to renegotiate payment arrangements may do so. Customers must keep current on their bills from the time a TPA is put in place or the TPA may be terminated.

7. Each Telecommunications Utility will prominently display information on Oregon Lifeline and Oregon Lifeline enhanced benefits on its websites to inform potentially income eligible customers of the Oregon Lifeline program in order to increase overall participation. Telecommunications Utilities will also, in good faith, enhance their promotion of the Oregon Lifeline program. Enhanced promotion includes additional outreach to customers, including furnishing two bill inserts - one in the fourth quarter of 2020 and one in the first quarter of 2021, enhanced e-mail communications, and coordination with the Commission's Oregon Lifeline Program Manager.
8. Telecommunications Utilities will not report late payments and nonpayment for active wireline customers to credit bureaus and reporting agencies through April 1, 2021.
9. Each Telecommunications Utility that has annual Local and Intrastate Switched Access operating revenue of over \$1,000,000 per year on a regular basis as presented in the most recent Oregon Utility Annual Statistics will provide relevant credit and collections data sufficient to evaluate customer needs to the Commission for four quarters (one year) starting February 15, 2021. Staff developed the preferred report format to be used by each Telecommunications Utility in discussion with the signatories to the stipulation as shown in blow. Discussions included weighing costs and benefits of providing such data and the underlying purpose in collecting it.
10. The stipulation, other than the reporting requirements, will expire April 1, 2021.

### ***Telecommunications Utility Reporting Requirements***

Telecommunications Utilities will provide the enhanced reporting for four quarters (one year) starting February 15, 2021 (for the previous quarter, October to December). Reports will be submitted by the end of the month following the close of the three month period:

- a. The number of wireline customers;
- b. The number of wireline customers assessed late payment fees or charges during the period;
- c. Total number of wireline disconnections for non-payment.

## Appendix D

### Distribution List

Last Name	First Name	Organizations	email
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Aschenbrenner	Connie	Idaho Power	<a href="mailto:Caschenbrenner@idahopower.com">Caschenbrenner@idahopower.com</a>
Bahr	Brian	SWWC	<a href="mailto:bbahr@swwc.com">bbahr@swwc.com</a>
Bailey	Rick	Avion Water	<a href="mailto:rick@avionwater.com">rick@avionwater.com</a>
Baker	Lucy	Oregon Advocacy Commissions	<a href="mailto:lucy.baker@oregon.gov">lucy.baker@oregon.gov</a>
Barrie	Fawn	OCTA	<a href="mailto:fbarrie@legadv.com">fbarrie@legadv.com</a>
Becenti	Margarite	Confederated Tribes of Umatilla Indian Reservation (CTUIR)	<a href="mailto:margaritebecenti@ctuir.org">margaritebecenti@ctuir.org</a>
Bell	Andrea	Oregon Housing & Community Services	<a href="mailto:andrea.bell@oregon.gov">andrea.bell@oregon.gov</a>
Berry	Fawn	OCTA	<a href="mailto:fbarrie@legadv.com">fbarrie@legadv.com</a>
Bonfield	Shawn	Avista	<a href="mailto:Shawn.bonfield@avistacorp.com">Shawn.bonfield@avistacorp.com</a>
Bordelon	Carmelitha	Suburban Water Systems	<a href="mailto:cbordelon@swwc.com">cbordelon@swwc.com</a>
Bowman	Michael	Salmon Valley Water Company	<a href="mailto:Michael@thesvwc.com">Michael@thesvwc.com</a>
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Brown	Stefan	Portland General Electric	<a href="mailto:Stefan.brown@pgn.com">Stefan.brown@pgn.com</a>
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Crews	Ryan	Energy Trust	<a href="mailto:ryan.crews@energytrust.org">ryan.crews@energytrust.org</a>
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Cully	Mike	League of Oregon Cities	<a href="mailto:mcully@orcities.org">mcully@orcities.org</a>
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Emdo	Se-ah-dom	MRG Foundation	<a href="mailto:seahdom@mrgf.org">seahdom@mrgf.org</a>
Epley	Jessica	Ziply (formerly Frontier)	<a href="mailto:jessica.epley@ziply.com">jessica.epley@ziply.com</a>
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## COVID-19 AFTERMATH

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## **CERTIFICATE OF SERVICE**

### **Formal Case No. 1164, In the Matter of An Inquiry into the Impacts of the COVID-19 Pandemic on District Utilities and Consumers**

I certify that on October 2, 2020, a copy of the *Motion of the Office of the People's Counsel for the District of Columbia Requesting the Public Service Commission Take Judicial Notice of Maryland Order 89636 and Take Immediate Steps to Develop Relief Measures to Assist Consumers in Anticipation of the Termination of the Public Health Emergency* was served on the following parties of record by hand delivery, first class mail, postage prepaid or electronic mail:

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