



# COVID-19 AFTERMATH

## ACTIONS TO PROTECT CUSTOMERS

SEPTEMBER 3, 2020  
**DRAFT 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.

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 agreements are included in Appendices A, B, and C of this report (*not included in Draft Report as Agreements have not been finalized*).

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.

During the September 22, 2020, Public Meeting, this report was presented and approved by the Commission with the following conditions:

## Background

### A. COVID-19 Challenge

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 water regulated water utilities including Avion, NW Natural water companies, and Oregon Water Services companies also took similar actions. 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. 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 Operations 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 Economist)
- f. Sabrina 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 SPM):
    - 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 and associated legal questions including Department of Justice (DOJ) opinion.
  - vi. 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 practice 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 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
- 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.
- 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 five general workshops, two data workshops, one workshop dedicated for water utilities, and two workshops dedicated for telecommunications workshop from the period of June 30, 2020 to September 3, 2020.

Additionally, a Commission Workshop and Commission 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
- Commission Public Meeting – September 22, 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 on proposed 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 different participants had diverse viewpoints, participants allowed others to be heard. The contributions by utilities and stakeholders allowed Staff to better understand points of

agreement and points of differences. Extremely valuable was information 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 (Citizen's 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>1</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 very good progress during those discussions. Subsequent to Workshop #4, Joint Utilities, CUB, CAPO, NWECC, and Multnomah County submitted either track changes to Staff’s Term Sheet or comments suggesting changes and additions to Staff’s Term Sheet that were presented during Workshop #5.

Water Workshop #1 focused on the “Water Utilities Term Sheet” developed by Staff with input from 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>1</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 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 (*not in DRAFT Report*).

Agreements on both Water and Telecommunications Term Sheets are close to being finalized. Although strong progress has been made on the Energy 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.

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 & 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.

## Appendix A

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

This Term Sheet is not included in the Draft Report.

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## Appendix B

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

This Term Sheet is not included in the Draft Report.

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## Appendix C

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

This Term Sheet is not included in the Draft Report.

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## Appendix D

### Distribution List

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