

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

-----In the Matter of-----)
)
 PUBLIC UTILITIES COMMISSION) (NON-DOCKETED)
)
 Letter Request from the Consumer)
 Advocate for Commission Suspension)
 of Authority of Regulated Companies)
 to Terminate or Disconnect Services)
 Due to Non-Payment and/or Assess)
 Unreasonable Charges or Fees During)
 the COVID-19 Pandemic.)
 _____)

ORDER NO. 37189

EXTENDING SUSPENSION OF TERMINATION OR DISCONNECTION OF
REGULATED UTILITY SERVICES DUE TO NON-PAYMENT AND/OR ASSESSMENT
OF OTHER CHARGES THROUGH JULY 31, 2020

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

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 Letter Request from the Consumer) Order No. **37189**
 Advocate for Commission Suspension)
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 the COVID-19 Pandemic.)
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EXTENDING SUSPENSION OF TERMINATION OR DISCONNECTION OF
REGULATED UTILITY SERVICES DUE TO NON-PAYMENT AND/OR ASSESSMENT
OF OTHER CHARGES THROUGH JUNE 30, 2020

By Order No. 37125, filed on May 4, 2020,¹ and Order
No. 37153, filed on May 28, 2020,² the Commission determined that
"based on the extraordinary circumstances related to COVID-19, and
on the Commission's expedited investigation into this matter[,]"
"all Commission-regulated electric, gas, telecommunications,

¹Order No. 37125, "Addressing the Consumer Advocate's Request
for Suspension of Termination or Disconnection of Regulated
Utility Services Due to Non-Payment and/or Assessment of
Other Charges During the COVID-19 Pandemic," filed on May 4, 2020
("Order No. 37125").

²Order No. 37153, "Extending Suspension of Termination or
Disconnection of Regulated Utility Services Due To Non-Payment
and/or Assessment of Other Charges Through July 31, 2020," filed on
May 28, 2020 ("Order No. 37153").

water, and wastewater public utilities in the State of Hawaii ("Utilities," or "Utility," individually) shall suspend disconnections of electricity, gas, telecommunications, water, and wastewater services during the pendency of the Governor's Emergency Proclamation until otherwise ordered by the Commission."³ The Commission also suspended, pending further orders, any and all rules and provisions of individual utility tariffs that prevent or condition re-connection of disconnected customers.⁴

The Commission previously authorized each of these Utilities to establish regulatory assets to record costs resulting from the suspension of disconnections. The Commission also stated that in future proceedings it would consider whether each Utility's request for recovery of these regulatory assets is reasonable and necessary, as well as issues including the appropriate period of recovery for the approved amount of regulatory assets, any amount of carrying costs thereon, any savings directly attributable to suspension of disconnects, and other related matters.⁵

1. By this Order, the Public Utilities Commission ("Commission") extends, through July 31, 2020, its (1) suspension of disconnections of electricity, gas, telecommunications, water,

³Order No. 37125 at 4, 7.

⁴Order No. 37125 at 4.

⁵Order No. 37125 at 5, and Order No. 37153 at 2.

and wastewater services, and (2) suspension of any and all rules and provisions of individual utility tariffs that prevent or condition re-connection of disconnected customers.⁶

2. Any Utility that booked regulatory assets consistent with the authorization provided in Order Nos. 37125⁷ or 37153,⁸ or that did not previously book regulatory assets pursuant to those Orders but now chooses to do so pursuant to the authorization provided in this Order, shall file a short report (1-2 pgs.) with the Commission by July 24, 2020, regarding the Utility's financial condition.⁹

⁶Governor Ige issued his Ninth Supplementary Proclamation on June 10, 2020, effective through July 31, 2020. Governor's "Ninth Supplementary Proclamation Related to the COVID-19 Emergency," available at: <https://governor.hawaii.gov/wp-content/uploads/2020/06/2006097A-ATG-Ninth-Supplementary-Proclamation-COVID-19-distribution-signed.pdf>. Given that Hawaii's economy is still in the process of re-opening, the Commission finds that utility customers are still struggling with unemployment and other financial impacts from the COVID-19 Pandemic.

⁷Order No. 37125 at 5-6.

⁸Order No. 37153 at 3.

⁹The Commission issued non-docket Protective Order No. 37141 to govern a Utility's filing of any confidential financial or business information included in these reports and the reports detailed in Paragraph 5, below, provided that, consistent with UIPA, all information for which a Utility claims confidentiality is supported by a description that: (1) identifies in reasonable detail the information's source, character, and location; (2) states clearly the basis for the claim of confidentiality; and (3) describes, with particularity, the cognizable harm to the filing party from any misuse or unpermitted public disclosure of the information, which the Commission will review.

3. The Commission reiterates its statement from Order No. 37125 that Utilities should strongly consider offering payment plans or other reasonable arrangements to customers once the suspension of disconnections or terminations of service are lifted.

4. The Commission also encourages Utilities not to charge customers interest on past due payments, or impose any late payment fees, through July 31, 2020.

5. In recognition of the ongoing uncertainty surrounding the COVID-19 Emergency, the Commission also authorizes utilities that elect to suspend disconnections beyond July 31, 2020, to book regulatory assets related to the costs associated with that suspension, through September 1, 2020. The utility should provide details regarding the length of its suspension and other information, consistent with the following paragraph (Paragraph No. 6) regarding quarterly reporting.

6. Any Utility that books regulatory assets consistent with the authorization provided in either Order Nos. 37125 and 37153, or this Order, must also file a quarterly report, beginning on July 31, 2020,¹⁰ detailing the amounts of the costs incurred and any savings realized, which have been booked to the

¹⁰Order Nos. 37125 and 37153 previously stated that the quarterly reports were due on July 30, 2020, which the Commission changes to July 31, 2020, by this Order.

regulatory assets. These quarterly reports should include: a) updated information regarding the Utility's financial condition, and b) a list of the measures the Utility has in place to assist its customers during the COVID-19 emergency situation. A Utility should inform the Commission in its quarterly reports if a previously-reported upon measure the Utility had in place to assist customers has since been terminated, as well as a short description of the Utility's rationale for the termination of that measure.¹¹

7. This Order shall not affect a Utility's ability to disconnect a customer's service for public safety concerns unrelated to non-payment of services.

8. The Commission also emphasizes that customers should continue paying their bills to the extent possible during this time, noting that customers will still ultimately be responsible for paying Utility service billings accrued during this suspension.

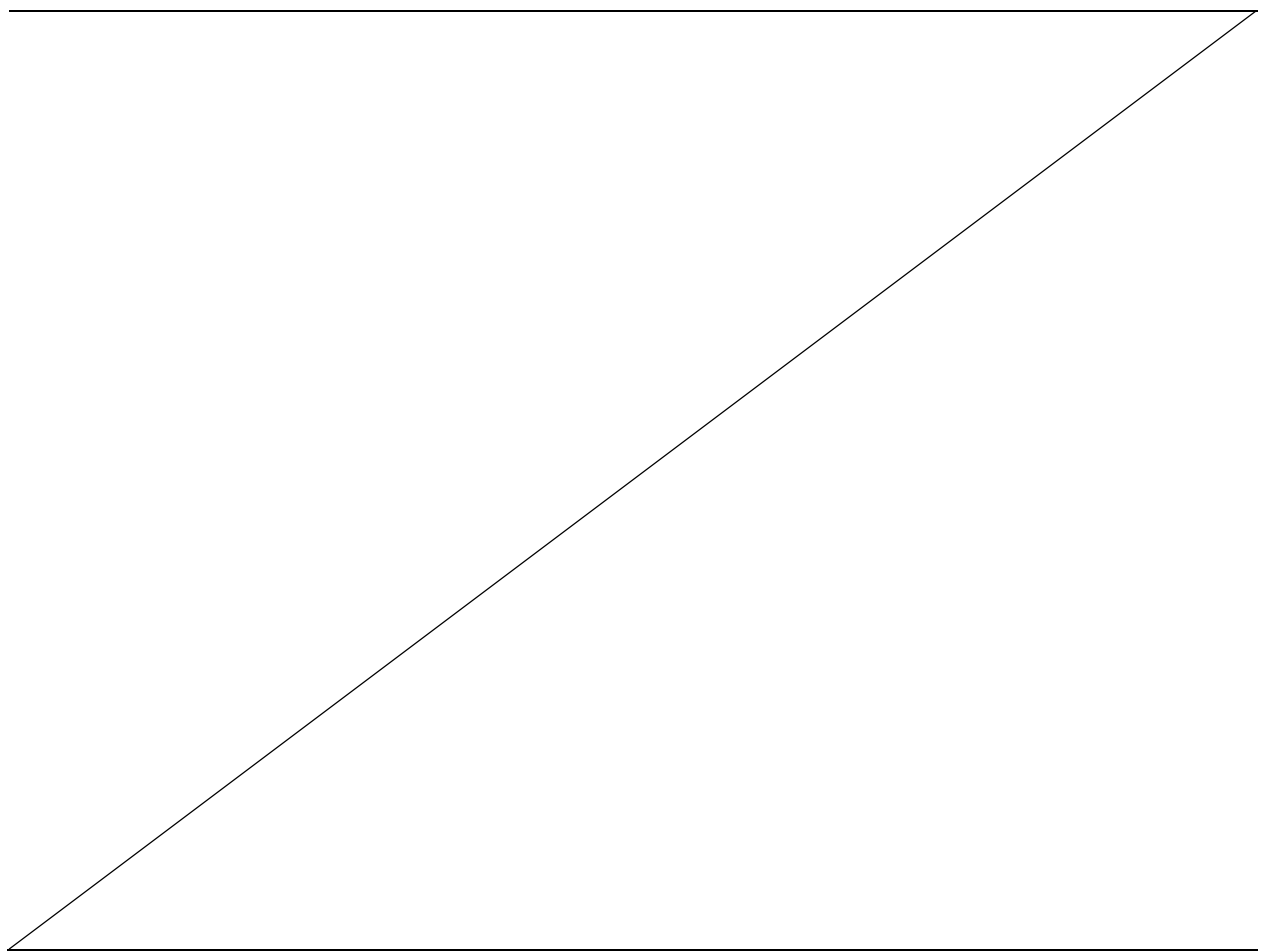
9. If a Utility subject to this Order maintains a website, such Utility shall provide notice of this Order's content on such website, and in any other prominent place that the Utility finds will help inform its customers.

¹¹See Order No. 37125 at 6, and Order No. 37153 at 4.

THE COMMISSION ORDERS:

1. Based on the extraordinary circumstances related to COVID-19, and on the Commission's further expedited investigation into this matter, there is good cause to extend the suspension of disconnection of service originally set forth in Order Nos. 37125 and 37153, until July 31, 2020, as set forth herein.

2. The Commission also authorizes utilities that elect to suspend disconnections beyond July 31, 2020, to book regulatory assets related to the costs associated with that suspension, through September 1, 2020.



3. Any Utility that books regulatory assets consistent with the authorization provided in either Order Nos. 37125 and 37153, or this Order, must also file a quarterly report, beginning on July 31, 2020,¹² detailing the amounts of the costs incurred and any savings realized, which have been booked to the regulatory assets, as set forth herein.

DONE at Honolulu, Hawaii JUNE 26, 2020.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By James P. Griffin By Jennifer M. Potter
James P. Griffin, Chair Jennifer M. Potter, Commissioner

APPROVED AS TO FORM:

Caroline C. Ishida By Leodoloff R. Asuncion, Jr.
Caroline C. Ishida Leodoloff R. Asuncion, Jr., Commissioner
Commission Counsel

Non-Docketed Order.ljk

¹²Order Nos. 37125 and 37153 previously stated that the quarterly reports were due on July 30, 2020, which the Commission changes to July 31, 2020, by this Order.

CERTIFICATE OF SERVICE

Pursuant to Order No. 37043, the foregoing order was served on the date of filing by electronic mail addressed to the following parties:

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Certificate of Service
Page 11

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Certificate of Service

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Certificate of Service
Page 15

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