

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. 37251

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

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OF THE STATE OF HAWAII

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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 AUGUST 31, 2020

By Order No. 37125, filed on May 4, 2020,¹
Order No. 37153, filed on May 28, 2020,² and Order No. 37189,
filed on June 26, 2020,³ the Commission determined that "based on

¹Order No. 37125 (Non-Docketed), "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 (Non-Docketed), "Extending Suspension of Termination or Disconnection of Regulated Utility Services Due To Non-Payment and/or Assessment of Other Charges Through June 30, 2020," filed on May 28, 2020 ("Order No. 37153").

³Order No. 37189 (Non-Docketed), "Extending Suspension of Termination or Disconnection of Regulated Utility Services Due To

the extraordinary circumstances related to COVID-19, and on the Commission's expedited investigation into this matter[,]” “all Commission-regulated electric, gas, telecommunications, 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.”⁴ 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.⁵

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

Non-Payment and/or Assessment of Other Charges Through July 31, 2020,” filed on June 26, 2020 (“Order No. 37189”).

⁴Order No. 37125 at 4, 7.

⁵Order No. 37125 at 4.

of carrying costs thereon, any savings directly attributable to suspension of disconnects, and other related matters.⁶

1. By this Order, the Public Utilities Commission ("Commission") extends, through August 31, 2020, its (1) suspension of disconnections of electricity, gas, telecommunications, water, 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.⁷

⁶Order No. 37125 at 5; Order No. 37153 at 2; Order No. 37189 at 2. See also Non-Docketed Letter From: Division Of Consumer Advocacy Re: "Commission Investigation to Address COVID-19 Impacts on Consumers and Regulated Companies - 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," filed on July 24, 2020 ("CA Letter"). The Commission notes that the CA Letter contains several recommendations that it suggests the Commission adopt regarding addressing non-payment of utility bills once the disconnection suspension is lifted in the future (CA Letter at 3). The Commission intends to address the Division of Consumer Advocacy's recommendations in future orders.

⁷Governor Ige issued his Tenth Supplementary Proclamation on July 17, 2020, effective through August 31, 2020. Governor's "Tenth 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>. The Commission finds that utility customers are still struggling with unemployment and other financial impacts from the COVID-19 Pandemic.

2. Any Utility that booked regulatory assets consistent with the authorization provided in Order Nos. 37125,⁸ 37153,⁹ or 37189,¹⁰ 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 August 24, 2020, regarding the Utility's financial condition.¹¹

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.

⁸Order No. 37125 at 5-6.

⁹Order No. 37153 at 3.

¹⁰Order No. 37189 at 4.

¹¹The Commission issued non-docketed 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.

4. The Commission also encourages Utilities not to charge customers interest on past due payments, or impose any late payment fees, through August 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 August 31, 2020, to book regulatory assets related to the costs associated with that suspension, through October 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, 37153, 37189, or this Order, must file a quarterly report,¹² detailing the amounts of the costs incurred and any savings realized, which have been booked to the 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

¹²Order Nos. 37125 and 37153 previously stated that the quarterly reports were due on July 30, 2020, which Order No. 37189 amended to July 31, 2020. The Commission sets a deadline of October 30, 2020, for the first quarterly report for any Utility that books regulatory assets pursuant to the authorization granted in the instant Order. For any Utilities that previously began booking regulatory assets pursuant to Order Nos. 37125, 37153, and/or 37189, and that filed quarterly reports on July 31, 2020, the next quarterly report is due on October 30, 2020.

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.¹³

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.

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

¹³See Order No. 37125 at 6, Order No. 37153 at 4, and Order No. 37189 at 5.

disconnection of service originally set forth in Order Nos. 37125, 37153, and 37189 until August 31, 2020, as set forth herein.

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

3. Any Utility that books regulatory assets consistent with the authorization provided in either Order Nos. 37125, 37153, 37189, or this Order, must file a quarterly report as set forth above, 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 JULY 31, 2020.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

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

APPROVED AS TO FORM:

Noa K. Ching, Commission Counsel By Leodoloff R. Asuncion, Jr., Commissioner

Non-Docketed.ljk

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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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