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November 25, 2020

To: Service List (Non-Docketed)

Re: Commission Request for Feedback from Utilities and the Consumer Advocate on the Suspension of Termination or Disconnection of Regulated Utility Services Due to Non-Payment

By Order No. 37125, filed on May 4, 2020,<sup>1</sup> Order No. 37153, filed on May 28, 2020,<sup>2</sup> Order No. 37189, filed on June 26, 2020,<sup>3</sup> Order No. 37251, filed on July 31, 2020,<sup>4</sup> and Order No. 37284, filed on August 24, 2020,<sup>5</sup> 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, 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 and until otherwise ordered by the Commission." 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 due to non-payment.

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<sup>1</sup>Order 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").

<sup>2</sup>Order 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," filed on May 28, 2020 ("Order No. 37153").

<sup>3</sup>Order No. 37189 (Non-Docketed), "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 June 26, 2020 ("Order No. 37189").

<sup>4</sup>Order No. 37251 (Non-Docketed), "Extending Suspension of Termination or Disconnection of Regulated Utility Services Due To Non-Payment and/or Assessment of Other Charges Through August 31, 2020," filed on July 31, 2020 ("Order No. 37251").

<sup>5</sup>Order No. 37284 (Non-Docketed), "Extending Suspension of Termination or Disconnection of Regulated Utility Services Due To Non-Payment and/or Assessment of Other Charges Through December 31, 2020," filed on August 24, 2020 ("Order No. 37284").

Noting that the Governor's Emergency Proclamation continues as stated in the Fifteenth Proclamation Related to the COVID-19 Pandemic issued on November 16, 2020,<sup>6</sup> that the situation related to the COVID-19 Pandemic is evolving both nationally and in Hawaii, and that the economic impacts of the Pandemic will likely extend well into the future, the Commission is mindful of the need for both ensuring adequate protections for Hawaii's utility customers, as well as the financial integrity of the State's utilities during and after the Pandemic.

As such, while the suspension of terminations or disconnections for non-payment is currently set to expire on December 31, 2020, the Commission intends to issue an Order addressing suspension of disconnections prior to this date. In advance of this forthcoming Order, the Commission requests feedback from Utilities and the Consumer Advocate on the effects of the suspension and related customer protections, including any recommendations regarding process for lifting the suspension. To this end, the Commission poses several questions below which should be addressed by Utilities and the Consumer Advocate in their comments. Utilities should also address any other matters which they deem relevant to the Commission's decision-making on this issue, and/or recommend any alternative proposals they think the Commission should consider.

### **Questions for Utilities**

- 1) Lifting the Suspension of Disconnection for Non-Payment
  - a) Do you think the Commission should extend the disconnection suspension for all of your customers beyond December 31, 2020? If so, when do you think the suspension should subsequently be lifted (e.g., by a specific date, at the end of Pandemic, etc.)?
    - i) Alternatively, do you think the suspension should end for certain customer classes before others, and if so, which customer classes, and when?
  - b) If the suspension is not extended beyond December 31, 2020, would your Utility request authority to voluntarily suspend disconnections?
  
- 2) Financial Impacts on Utilities
  - a) How many of your Utility customers (of each customer class) have past due balances for utility service, and what is the total cumulative past due balance for all customers? Please break out past due balances by timeframe (e.g., past due by less than 30 days, by greater than 30 days, by greater than 60 days, by greater than 90 days, etc.), if available.
  - b) How would an extension of the disconnection suspension for 1 month, 3 months, or 6 months, respectively, affect the financial condition of your Utility?
  - c) What data and/or financial information does your Utility think would be helpful to provide to the Commission on a going-forward basis to help the Commission continue to make decisions around disconnection suspension and related issues?

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<sup>6</sup>Governor Ige issued the Fifteenth Supplementary Proclamation on November 16, 2020, effective through December 31, 2020. Governor's "Fifteenth Proclamation Related to the COVID-19 Emergency," available at: [https://governor.hawaii.gov/wp-content/uploads/2020/11/2011051-ATG\\_Fifteenth-Proclamation-Related-to-the-COVID-19-Emergency-distribution-signed.pdf](https://governor.hawaii.gov/wp-content/uploads/2020/11/2011051-ATG_Fifteenth-Proclamation-Related-to-the-COVID-19-Emergency-distribution-signed.pdf)

3) Protections for Customers (Including Those Experiencing Financial Hardship)

- a) What mechanisms exist, or are you considering implementing, for customers to alert your Utility that they are experiencing financial hardship or otherwise need special customer protections related to their utility bill or service?
- b) What types of payment plans is your Utility currently offering, or contemplating offering, to customers? Please include information regarding the proposed minimum and maximum lengths of these payment plans, including those that may be established specifically for vulnerable customers (e.g., customers experiencing financial hardship, low-income customers, customers with special medical needs, etc.).
- c) What, if any, specific customer protections is your Utility offering or contemplating offering to vulnerable customers (e.g., customers experiencing financial hardship, low-income customers, customers with special medical needs, etc.)?
- d) Are there other specific customer protections that you think should be extended or newly implemented?

4) Customer Engagement

- a) What communications regarding the disconnection suspension and other customer protections (including those provided by outside sources, such as COVID-19 relief funds) have you provided to your customers during the Pandemic?
- b) When and how is your Utility planning to notify customers, if you have not already, that they are at risk for disconnection or termination of regulated utility services upon the lifting of the suspension?
- c) How is your Utility communicating payment plans (or, planning to communicate payment plans) and other options to customers who are at risk for disconnection? Are you currently conducting, or planning to conduct, this outreach prior to any lifting of the suspension?

**Follow-Up Actions**

Utility and Consumer Advocate comments on these items should be filed with the Commission by Wednesday, December 9, 2020, and should reference this letter (i.e., "November 25, 2020 Commission Request for Feedback from Utilities and the Consumer Advocate on the Suspension of Termination or Disconnection of Regulated Utility Services Due to Non-Payment").

The Commission reiterates that these comments should address the questions identified above and include any other feedback on how the disconnection suspension has affected the applicable Utility and its customers. Utilities should also address any other matters which they deem relevant to the Commission's decision-making on this issue, and/or recommend any alternative proposals that they think the Commission should consider. The Commission intends to issue an Order addressing further suspension of disconnection and related issues by December 31, 2020.

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