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September 2, 2020

In reply, please refer to:

Docket No. 20-03-15

Motion No. 9

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Center for Children’s Advocacy

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Re: Docket No. 20-03-15 – Emergency Petition of William Tong, Attorney General for the State of Connecticut for a Proceeding to Establish a State of Emergency Utility Shut-off Moratorium

Dear Counselors:

The Public Utilities Regulatory Authority (Authority) is in receipt of The Center for Children’s Advocacy’s (CCA) and Connecticut Legal Services, Inc.’s (Legal Services) motion dated August 18, 2020 (Motion) seeking, amongst other items, to extend the non-hardship Residential Shut-off Moratorium to October 1, 2020, as well as the addendum to the Motion dated August 24, 2020 (Addendum), requesting that the Authority initiate an investigation as to whether the electric, natural gas, and water public service companies that are regulated by the Authority (Public Service Utilities)[[1]](#footnote-1) are in compliance with all orders issued by the Authority in this proceeding. The Authority is also in receipt of United Illuminating Company’s, Connecticut Natural Gas Corporation’s, and The Southern Connecticut Gas Company’s (collectively, UI) response to the Motion dated August 26, 2020 (UI’s Response).

**Motion and Motion Response**

In the Motion, CCA and Legal Services seek: “1) an extension of the Residential Shut-off Moratorium to October 1, 2020; 2) an order directing the electric and gas public service companies… to clearly, concisely and widely disseminate information regarding the end date of the Residential Shut-off Moratorium…; and 3) an order directing the [u]tilities to include information regarding available arrearage forgiveness programs and hardship protection with all termination notices sent after the Residential Shut-off Moratorium ends.” Motion, p. 1.[[2]](#footnote-2) CCA and Legal Services argue that the December 18, 2019, Interim Decision in Docket No. 17-12-03RE01, PURA Investigation into Distribution System Planning of the Electric Distribution Companies – Energy Affordability, found that not all residents in need of energy assistance were aware of the full range of options provided by the Public Service Utilities. CCA and Legal Services believe that as of the date of their Motion, the Public Service Utilities were not advertising the information regarding the expiration of the non-hardship Residential Shut-off Moratorium. Motion, p. 2. The Motion continues, that “[b]ecause of the insufficient messaging in the four weeks since the Authority’s July 21st Directive, additional time is necessary to properly inform customers about this crucial date. [CCA and Legal Services] continue to provide information to their respective client populations, but other stakeholders such as Community Action Agencies and municipalities are not necessarily [aware] of the July 21st Directive.” Motion, p. 3.

The last concern expressed by CCA and Legal Services in their Motion is the potential sudden distribution of termination notices without first providing proper explanation and information. The Motion cites to R.C.S.A. §16-3-100(c) providing “that every utility company prepare a brief explanation of the rights of customers provided under this section and that ‘every termination notice issued by a utility company shall contain or be accompanied by such explanation.’ Importantly, no modification to the regulations are necessary to affect this change: ‘[t]he [Authority] may require any modification in the explanation as it deems necessary to insure actual notice to customers of the provisions of this section.’” Motion, p. 3, *citations omitted.*

CCA and Legal Services submitted the Addendum as further support for the Motion. The Addendum also requests that the Authority investigate whether the Public Service Utilities are in compliance with the orders issued by the Authority in this proceeding. UI’s Response to the Addendum is summarized in its conclusion: “UI laud[s] [CCA and Legal Services] for their purpose and actions, and agree that we must all work together to assist those in need during this difficult time. However, [UI] do[es] not agree with the inflammatory statements made by [CCA and Legal Services] in their Motion and Addendum to Motion.” UI’s Response, p. 3.

**Procedural History**

The above-captioned proceeding was originally initiated to review a March 12, 2020, petition filed by William Tong, Attorney General for the State of Connecticut (Attorney General), pursuant to the General Statutes of Connecticut (Conn. Gen. Stat.) §§ 16-11 and 16-19e (Petition). In the Petition, the Attorney General requested that the Authority order electric, natural gas, and water public service companies that are regulated by the Authority (together, Public Service Utilities) to cease all service terminations for non-payment for residential customers for an appropriate period of time to adequately safeguard public health and safety during Connecticut’s declared public health and civil preparedness emergencies related to COVID-19. On March 12, 2020, the Authority issued a preliminary order to Public Service Utilities to cease water, electric, and gas shut-offs, except for reasons of public safety, for residential customers for the duration of the Public Health and Civil Preparedness Emergency declared by Governor Lamont on March 10, 2020 (Order No. 1),[[3]](#footnote-3) or until such other time as determined by the Authority.

On July 21, 2020, the Authority announced that the Shut-off Moratorium for non-hardship residential customers would conclude on September 9, 2020, which at that time was scheduled to end concurrent with the expiration of the Governor’s Public Health and Civil Preparedness Emergency declaration. With respect to financial hardship residential customers, however, the Authority extended the Shut-off Moratorium through October 31, 2020.

**Motion Ruling**

After review of the Motion, Addendum, and UI’s Response, the Authority is granting CCA’s and Legal Services’ Motion to extend the Shut-off Moratorium through October 1, 2020 for non-hardship residential customers. Additionally, through October 31, 2020, no residential or non-residential customer may have their service terminated without first receiving a targeted text and/or email providing hardship program eligibility information, COVID-19 Payment Program information, [[4]](#footnote-4) or other assistance information, as applicable. If the customer signs up for either a hardship program or the COVID-19 Payment Program before their termination date, their service shall not be disconnected, consistent with the Interim Decision Clarification ruling, dated May 15, 2020.

In order to ensure that all residential and non-residential customers are aware of any updates to the Shut-off Moratorium, the COVID-19 Payment Program, and all other payment or energy assistance programs offered, each of the Public Service Utilities shall issue a press release on September 9, 2020, summarizing such information. Further, the electric distribution companies shall post applicable information on the Energize CT website, and all Public Service Utilities must post to their respective social media sites and home pages the summary of this information at a minimum on the following dates: September 9, 2020, September 23, 2020, and October 21, 2020, as well as at any time there is an update regarding this information. The Public Service Utilities must also send emails and/or texts to their customers summarizing this information on September 9, 2020, September 23, 2020, October 21, 2020, and any time there is an update regarding this information.

Further, the Authority hereby delegates the investigation into the Public Service Utilities’ compliance with directives issued in the above-captioned proceeding to its Office of Education, Outreach, and Enforcement (EOE) pursuant to Conn. Gen. Stat. § 16-19j. This delegation includes the investigation of any and all communications and communications processes dictated by the Authority in this proceeding since April 29, 2020, between the Public Service Utilities and their customers, including compliance with the communications directives embedded in today’s ruling. EOE shall provide a status report to the Authority regarding its investigation no later than **October 30, 2020.** To assist in the investigation, the Public Services Utilities must submit the customer call recordings and any associated information requested by EOE under protective order within ***one week*** after the request is made.[[5]](#footnote-5)

The delegation of the above-captioned proceeding to EOE is intended to provide ratepayers and parties that interact with the Authority an improved customer service experience by allowing trained EOE staff to interact directly with participants. Notably, the prohibition against ex parte communications is waived between EOE staff and the public or regulated entities. Although EOE staff are prohibited from speaking on behalf of the Authority or speculating regarding the Authority’s ultimate disposition of a matter, EOE staff may use their training and expertise to answer questions. However, the prohibition on ex partecommunications remains in effect between EOE staff and PURA decisional staff, and between PURA decisional staff and the applicants and any other participants in this proceeding. In the event that the resulting matter requires adjudication, the EOE will be afforded all rights and obligations ascribed to participants in the proceeding.

Lastly, the Authority concludes that the Public Service Utilities shall include additional information in future compliance filings to further assist its continued monitoring and investigation of COVID-19 utility-related matters. First, all Public Service Utilities shall describe their processes for the termination of service for utility customers in arrears for both residential and non-residential customers[[6]](#footnote-6) once the Shut-off Moratorium has concluded. Second, starting from the **September 15, 2020**, compliance filing and going forward, the electric distribution companies (EDCs) shall provide the number of payment arrangements, both ongoing and failed, in which customers receive generation service from an electric supplier; the number of payment arrangements, both ongoing and failed in which a customer received generation service from a supplier at a supply rate greater than the standard service rate; and, the amount of bad debt attributable to customers receiving generation service from suppliers at a rate greater than the standard service rate.

At this juncture, the Authority deems it is necessary and appropriate to issue the following additional orders:

Order No. 19 The Shut-off Moratorium, except for reasons of public safety, for residential customers, initially established in Order No. 1,[[7]](#footnote-7) is hereby extended through Friday, October 1, 2020, for non-hardship customers.

Order No. 20 Through October 31, 2020, no residential customer may have their service terminated without first receiving a targeted text and/or email providing hardship program eligibility information, COVID-19 Payment Program[[8]](#footnote-8) information, or other assistance information, as applicable. If the customer signs up for either a hardship program or the COVID-19 Payment Program before their scheduled termination date, their service shall not be disconnected, consistent with the Interim Decision Clarification, dated May 15, 2020.

Order No. 21 The Public Services Utilities shall issue a press release on September 9, 2020 providing customers with an update on the Shut-off Moratorium, the COVID-19 Payment Program, and all other payment or energy assistance programs offered by the company. Such press release shall indicate that it was ordered by the Public Utilities Regulatory Authority.

Order No. 22 The electric distribution companies shall post applicable information to the Energize CT website, and all Public Service Utilities must post on their respective social media sites and home pages, the summary of information regarding the Shut-off Moratorium, the COVID-19 Payment Program, and all other payment or energy assistance programs, at the following minimum frequencies, on: September 9, 2020, September 23, 2020, October 21, 2020, and any time there is an update regarding this information.

Order No. 23 The Public Service Utilities must send emails and/or texts to their customers summarizing the information regarding the Shut-off Moratorium, the COVID-19 Payment Program, and all other payment or energy assistance programs on September 9, 2020, September 23, 2020, October 21, 2020, and any time there is an update regarding this information.

Order No. 24 EOE shall provide an update regarding its investigation to the Authority no later than October 30, 2020, regarding the status of their investigation into the Public Services Utilities’ compliance with the orders in the above-captioned docket.

Order No. 25 The Public Services Utilities shall submit in the above-captioned proceeding any customer call recordings requested by EOE under protective order within ***one week*** after the request is made.

Order No. 26 All Public Service Utilities shall describe their process for both residential and non-residential customers once the Shut-off Moratorium is terminated in their upcoming compliance filings due September 15, 2020.

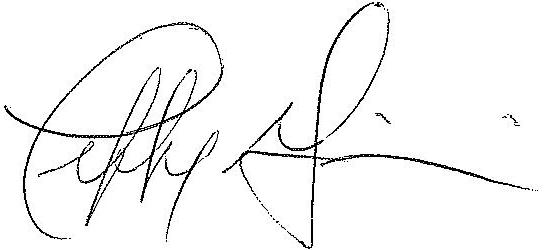
Order No. 27 Starting with their September 15, 2020 compliance filing, and continuing until such compliance filings are discontinued, the EDCs shall submit the below amended Order No. 6:

* 1. The aggregate number of service terminations, disconnections and reconnections for the preceding month, broken down by customer, hardship status, electric supplier, customer’s current generation service rate, and zip code as applicable. Reporting regarding reconnections should be further broken down to reflect (a) the number of reconnections without any financial security deposits and costs or losses associated; and (b) the number of reconnections without balance reduction payments and costs or losses associated. For the purpose of these reports, service termination is defined as an interruption or curtailment of service consistent with interruption pursuant to applicable statutes, regulations and approved tariffs. Disconnections shall mean the voluntary discontinuance of service to an individual utility customer.
  2. Information regarding payment arrangements made pursuant to the COVID-19 Payment Program as defined herein, as well as for payment arrangements made pursuant to a different voluntary or statutorily-required program. The information for each category of payment arrangements should be recorded separately and should reflect: (a) the number of payment arrangements in effect currently; (b) the number of payment arrangements currently in effect in which the customer receives service from an electric supplier, and further broken down by the number of customers paying greater than the standard service rate and the mean, median, high, and low rates being paid by those customers; (c) the number of failed payment arrangements; (d) the number of failed payment arrangements in which the customer receives service from an electric supplier and pays/paid greater than the standard service rate, and the mean and median rates paid by those customers; (e) average repayment terms for plans in effect; (f) average repayment amount for plans in effect; (g) repayment terms for failed payment arrangements; (h) repayment amount for failed payment arrangements; (i) the total amount of receivables for payment arrangements currently in effect; and (j) the amount left unpaid in the aggregate and as an average amount per customer, by customer class.
  3. Information regarding bad debt costs, including the expenses included in base rates, actual bad debts expense included in base rates, and incremental bad debts expense calculation; and working capital. Separately indicate the amount of bad debt attributable to customers receiving generation supply from an electric supplier at a rate greater than standard service.

The Authority will continue to monitor how COVID-19 affects Connecticut and will take any further steps, as necessary, through additional rulings and decisions.

Sincerely,

PUBLIC UTILITIES REGULATORY AUTHORITY



Jeffrey R. Gaudiosi, Esq.

Executive Secretary

cc: Service List

1. CCA’s and Legal Services’ Addendum specifically requested an investigation regarding “electric and gas public service companies.” Addendum, p. 1. [↑](#footnote-ref-1)
2. CCA and Legal Services acknowledged that this proceeding related to all Public Service utilities, but is only requesting additional customer messaging to apply to Yankee Gas Services Company and The Connecticut Light and Power Company both d/b/a Eversource Energy (collectively Eversource), and UI. [↑](#footnote-ref-2)
3. Docket No. 20-03-15, Ruling on Motion No. 1, dated March 12, 2020; Since the issuance of Order No. 1, the Governor has implemented “Stay Safe, Stay Home” restrictions. *See,* Executive Order No. 7H. [↑](#footnote-ref-3)
4. *See*, Interim Decision dated April 29, 2020 and Interim Decision Clarification dated May 15, 2020. [↑](#footnote-ref-4)
5. While EOE is permitted to expand the scope of its audit conducted pursuant to Interim Decision Clarification dated May 15, 2020, at minimum the audits must encompass at least two calls from the following dates on such dates: May 28, 2020, June 23, 2020, July 31, 2020, and August 5, 2020. Additional dates, if requested, along with time ranges shall be specified by EOE in its request to each Public Service Utility. [↑](#footnote-ref-5)
6. The Authority understands that the Shut-off Moratorium concluded for non-residential customers on August 31, 2020. [↑](#footnote-ref-6)
7. Motion No. 1 Ruling, dated March 12, 2020. [↑](#footnote-ref-7)
8. *See*, Interim Decision dated April 29, 2020 and Interim Decision Clarification dated May 15, 2020. [↑](#footnote-ref-8)