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VIA ELECTRONIC MAIL

Ms. Aida Camacho-Welch
Secretary
NJ Board of Public Utilities
44 South Clinton Street, 9th Floor
P.O. Box 350
Trenton, New Jersey 08625

Re: In the Matter of the New Jersey Board of Public Utilities' Response to the COVID-19 Pandemic
BPU Dkt. No. AO20060471

Dear Secretary Camacho-Welch:

On behalf of Jersey Central Power & Light Company ("***JCP&L***")[1], please accept for filing JCP&L's response comments ("***Response Comments***") to the Division of Rate Counsel's ("***Rate Counsel***") comments dated May 7, 2021 ("***May 7 Rate Counsel Comments***") that were submitted in the above-referenced BPU Docket (the "***COVID-19 Proceeding***"). These JCP&L Response Comments in the COVID-19 Proceeding are in addition to the JCP&L Initial Comments filed on November 30, 2021 and the JCP&L Additional Comments filed on March 1, 2021. JCP&L thinks those Initial and Additional Comments continue to be relevant, generally, and, more specifically, with respect to the May 7 Rate Counsel Comments. However, JCP&L appreciates the opportunity to briefly respond directly to the May 7 Rate Counsel Comments.

At the outset, JCP&L notes that the May 7 Rate Counsel Comments, which were unexpected and seemingly outside the working group process that BPU Staff is conducting, are in response to matters that were being, and which continue to be, discussed in the COVID-19 Proceeding working group context. Other parties in this proceeding, including JCP&L, have actively participated in the working group process and have made, and will continue to make, their views known there. These Response

[1] JCP&L is a New Jersey electric public utility primarily engaged in the purchase, transmission, distribution, and sale of electric energy and related utility services to more than 1,000,000 residential, commercial and industrial customers located within 13 counties and 236 municipalities of the State of New Jersey. JCP&L main offices are located at 101 Crawford Corner Rd. Building #1, Suite 1-511, Holmdel, New Jersey 07733 and at 300 Madison Avenue, Morristown, New Jersey 07962-1911.

Comments are intended to provide balance to the landscape drawn in the May 7 Rate Counsel Comments.

The working groups in the COVID-19 Proceeding have marshalled a variety of stakeholders with varying perspectives on the implications of, among other things, the current levels of utility arrearages that have steadily grown since March 2020. In JCP&L's view, the growth has resulted from the confluence of (i) detrimental (even devastating) COVID-19 financial impacts on some utility customers, particularly those who were already seriously payment-troubled in the pre-pandemic period, and (ii) a general state-wide moratorium on utility disconnections of customers. Widespread agreement can be assumed for these two propositions. However, as the May 7 Rate Counsel Comments suggest, there is disagreement about the details as to how to address and reverse the results of this confluence.

With the scheduled end of the state-wide moratorium on utility disconnections on June 30, 2021, JCP&L believes it is very important to make the case that assuring an end to the disconnection moratorium is the lynchpin factor in reasonably addressing, reversing and resolving the COVID-19 pandemic arrearage issue. JCP&L's experience indicates that the disconnection moratorium has, unintentionally, placed a damper on the effectiveness of utility collections activities and, therefore, discourages some customers from entering into deferred payment arrangements, and/or applying for or seeking assistance. Lifting the disconnection moratorium, JCP&L believes, will trigger increasing levels of individual customer engagement with such customers' various and respective utility service providers, guided by existing regulations and Board direction. That engagement will allow for more widespread use of the DPA, with or without initial partial payments, and a matching of customer needs with available assistance. Without such engagement, and in the absence of federal or state grants made directly to utility arrearages, the current upward arrearage trend can be expected to continue unabated.[2]

In the working groups, the various stakeholders have worked diligently under Board Staff direction, to grapple with the multitude of issues and aspects presented by these COVID-19 pandemic circumstances. Thus far, the working group process has involved, among other things, utilities providing a significant amount of utility arrearage-related data increasingly parsed and refined in such manner as to attempt to allow for a general understanding of the various permutations of the growing arrearage crisis so that

[2] The May 7 Rate Counsel Comments propose that "[p]reventing disconnections also helps ratepayers who are still able to pay their bills by minimizing the amount of 'uncollectibles' that will be passed on to them through rates." May 7 Rate Counsel Comments at p. 3. Unless Rate Counsel is proposing that service disconnections be banned irrespective of pandemic circumstances together with a plan for utility recovery that passes constitutional muster, this Rate Counsel proposal amounts to "kicking the can down the road". Continuing the general moratorium on disconnections is far more likely to result in higher uncollectibles over the long-term as unaddressed customer account debt levels possibly outstretch assistance programs.

policies and programs might be developed or refined, and potential funding resources might be mined, in order to address the current situation.

JCP&L believes that the process is leading to some workable proposals, which appear to increasingly appreciate that until utilities and their customers are allowed to re-engage, in strict compliance with existing Board regulations, as they would in normal non-moratorium periods, a proper understanding of the actual scope of the problem (beyond gross numbers of arrearages and number of accounts) will remain hidden or somewhat distorted.

The stakeholders are being challenged to develop a safety net of appropriate dimensions to address the emergency circumstances and that the safety net will add to the toolbox of options that utilities can use as customers re-engage. Such efforts must take into account the extent of available LIHEAP funding for which application was not made. JCP&L thinks that continued utility and Board outreach with respect to DPAs and available payment assistance, coupled with modifications to the Universal Service Fund ("***USF***") as proposed by Board Staff are necessary components of the safety net. But those efforts, which JCP&L has supported and undertaken enthusiastically, must also be joined with allowing utilities to use existing long-standing collection practices in strict adherence with existing Board regulations, tempered with a meaningful sensitivity to the unusual and unfamiliar circumstances and impacts of the pandemic period.

In the working group context, JCP&L has, among other things, proposed that Board Staff and other stakeholders consider the experience in other nearby states. For instance:

<u>Maryland Experience</u>

JCP&L recommended a look at the recent experience in Maryland. In October 2020, its Public Service Commission ("***PSC***") directed utilities to submit proposals for Arrearage Management Programs ("***AMPs***"), "with the understanding that many Maryland customers (*i.e.*, more than the utilities' seasonal averages) had fallen behind on their utility payments as a result of the COVID-19 pandemic, and that the long-term expectation was that a large share of those arrearages would be ultimately uncollectible. The PSC hoped that AMPs could be developed and implemented that would provide a cost-effective method of reallocating expected future uncollectibles." However, finding that the proposed programs were "not cost effective or cost neutral at best", the PSC rejected the proposals in December 2020 and ultimately did not require the utilities to create AMPs, also noting "[i]n fact, the Utilities acknowledge in their Proposal that they are not aware of any AMPs in the United States that are cost effective." We have attached the Maryland PSC's December 21, 2020 Order in the matter for further reference (<u>Attachment A</u>).

As a matter of additional background, Maryland recently enacted its Relief Act of 2021, which is an emergency economic impact and tax relief package signed into law on February 15, 2021 that provides more than $1 billion for Maryland working families, small businesses, and those who have lost their jobs because of the COVID-19 pandemic. Among other things, the Relief Act initially allocated $30 million to the Public Service Commission with authority to distribute as grants to utility companies to assist eligible households in eliminating or reducing utility arrearages. JCP&L understands that as of May 12, 2021, this amount has increased by approximately $50 million. On February 24, 2021, the Maryland PSC issued an order providing direction regarding the implementation of this aspect of the Relief Act by utilities. A copy of the February 21, 2021 Maryland PSC Order is attached (as Attachment B) for further reference and review.

West Virginia Experience

In addition, JCP&L has recommended considering the West Virginia experience, where that state has also pursued a utility grant approach to the allocation of its CARES Act funding. In October 2020, the Governor of West Virginia allocated $25 million of CARES Act funding to be used for grants to eligible West Virginia public utilities to assist eligible customers struggling to pay their utility bills. The Governor's announcement and details about the program are found in the attached (Attachment C) letter from West Virginia's Governor and in a subsequent (October 9, 2020) letter (Attachment D) from the chair of the West Virginia Public Service Commission.

National Experience

According to the Edison Electric Institute ("***EEI***") as of May 13, 2021, "twelve states and the District of Columbia have ordered and active moratoria on the suspension of service disconnections due to non-payment. **The ordered moratorium on disconnections has expired in 27 states**." (emphasis added) *See* EEI COVID-19-Related Ordered Moratoria by State, Updated May 13, 2021, attached hereto, with permission, as Attachment E.[3]

These experiences provide an added perspective on additional effective methods for getting available aid to needy customers by building on existing utility processes and structures. Within FirstEnergy, the impact of these approaches has been real. For instance, in West Virginia where individual customer applications were required, the announced program resulted in some 9,825 customers being granted approximately $4.5 million in assistance. However, the application rate among eligible customers was only approximately 43% (during a period of moratorium on disconnections for eligible customers). In Maryland, where its program is underway and where individual customer applications are not required, monies will be allocated to utilities based on utility records of customer arrearages, such that eligible customers will likely receive some degree of assistance. At this time, JCP&L understands that this funding will cover approximately one-third (1/3) of all residential arrearages among Potomac Edison customers that are

[3] *See* also https://www.naruc.org/compilation-of-covid-19-news-resources/map-of-disconnection-moratoria/, which showed twenty (20) moratoria expirations as of March 23, 2021.

one day or more past due.[4] These are useful examples, among other things, of states that have not seen the necessity of maintaining general moratoria on disconnections.

In the working group context, JCP&L has also indicated that it favors and supports the temporary expansion of eligibility for, and assistance under, the USF and Fresh Start programs ("***Existing Programs***"), assuming the Board determines that additional assistance to customers who have accumulated arrears during the pandemic is warranted. JCP&L believes it makes far more sense to build upon the existing, well-established and long-standing foundation under the Existing Programs, which includes existing systems, processes, and recovery mechanisms, notwithstanding that there certainly will be costs associated with adapting the Existing Programs to accommodate the temporary pandemic relief measures.

JCP&L further believes that attempting to stand up new programs, by comparison, is an inefficient approach fraught with complexities and uncertainties, especially given the limited time before expiration of the moratorium, which may only serve to hamper or slow the pace of successfully getting assistance to needy customers. Among the unknowns,

- The need for a new application process,
- The need to develop program documentation and internal technical and operational procedures, communications and related documentation, including for handling sensitive customer information and for prudency and cost recovery support.[5]
- IT implementation and incremental administrative costs, and
- Funding and cost recovery.

In the working group forum, JCP&L has urged Board Staff to focus on the Existing Programs (*i.e.*, USF and Fresh Start). In particular, JCP&L has recommended:

- Making it easier to qualify for the programs (*e.g.*, decreasing affordability thresholds, increasing the income ceiling, re-enrollment into Fresh Start) and

[4] It is anticipated that the $83 million, when combined with some $19 million in supplemental energy assistance funds will be enough to assure that Office of Home Energy ("***OHEP***") low income program recipients' arrears and special needs customers' arrears will be covered in full through April 30, 2021. A copy of the May 12, 2021 Maryland PSC Order containing this information is attached (as Attachment F) for further review.

[5] For, instance, the Department of Community Affairs ("***DCA***") already has the processes and systems to accept, image, and store income, social security numbers ("***SSNs***"), addresses and other personal identifying information ("***PII***") or other sensitive customer information. Under a proposal requiring a new program for each utility, such processes would need to be created for each utility individually and at a higher incremental cost.

increasing the amount available to each customer (*e.g.*, raising the cap) are advisable.

- Additional administrative expense associated with such temporary modifications should be recoverable by the utilities in a full and timely manner.

- Staff should consider that, if additional federal or state assistance dollars become available over which the State has discretion, that additional funding be used to provide grants to customers in arrears that are sent directly to utilities, as has been done in West Virginia and Maryland – this being viewed as the most cost-effective and efficient way to provide pandemic-related relief to eligible customers in need.

In some respects, there are similarities in, or within, these recommendations with what Rate Counsel proposes. For instance, Rate Counsel and JCP&L both favor making Fresh Start an expanded, more straight-forward, easier to enroll in, arrearage forgiveness program where every monthly payment would result in a commensurate percentage (*e.g.*, 1/12) of forgiveness. JCP&L also favors allowing re-enrollments in Fresh Start after a period of time (such as occurs in Maryland where re-enrollment is permitted every 7 years). It appears that Rate Counsel is also supportive of such approaches.

The May 7 Rate Counsel Comments are not focused on the immediate arrearage problem. Instead of short-term, time-limited, and focused modifications to Existing Programs, Rate Counsel proposes permanent fixes to what it sees as long overdue changes and it seeks new arrearage forgiveness programs to be run separate from Fresh Start by each utility. Further, Rate Counsel's comments seek to change existing utility collection practices and field assignments, including seeking to require fluency in the language spoken in the communities in which field collectors seek to carry out the proposed expanded duties. Rate Counsel would also require a new filing related to energy efficiency outreach to customers with arrears without any evidence suggesting that the Comfort Partners program does not already effectively reach such customers. Whether any of these Rate Counsel ideas have merit remains to be seen and would be more appropriately debated in generic proceedings aimed at fully addressing such issues, than here, which process is directed at addressing emergent issues.

Should the Board find it necessary to provide extended moratorium protections to certain customers, JCP&L would encourage the implementation of Winter Termination Program ("***WTP***") protections for a "bridge" period. Under the WTP, which normally runs from November 15th to March 15th, utilities are ***forbidden*** from disconnecting any customer who qualifies for certain assistance programs as enumerated in the Board's regulations. Further, the utilities are ***forbidden*** from disconnecting any customer who voices that they are facing a hardship (e.g., loss-of-job, medical bills, and death in the immediate family), as to which, it is noted, JCP&L does not require documentation. Clearly, this approach offers a "bridge" to the resumption of regular collection activity that protects customers facing hardship while encouraging customer engagement.

Finally, JCP&L would like to briefly address the recommendation in Rate Counsel's comments that shareholders have a responsibility for the utility arrearages and that a fair share of the cost of arrearages should be allocated to them. Why "shareholders should bear a cost of the unprecedented size of utility arrearages" is not explained. Nor does Rate Counsel acknowledge that such requirements would conflict with long-established principles of ratemaking and precedent concerning such issues. *See*, for example, *Bluefield Water Works v. Public Service Comm'n*, 262 U.S. 679 (1923); *Federal Power Comm'n v. Hope Natural Gas Co.,* 320 U.S. 591, 603 (1944); *Railroad Comm'n Cases,* 116 U.S. 307, 341 (1886); and *Lucas v. S.C. Coastal Council,* 505 U.S. 1003, 1015 (1992).

In JCP&L's view, which it has expressed throughout this proceeding, what is needed now is a continuing press for additional federal and state funding, continued outreach including efforts such as the Board's Utility Assistance Week activities, which JCP&L actively supported, and short-term, time-limited refinements to the Existing Programs akin to the proposal that Board Staff is developing in the ongoing working group process. These proposals coupled with utility cost-recovery and an end to the general moratorium on utility disconnections are a reasonable and prudent approach to addressing the serious problem of COVID-19-related utility arrearages.

As stated in earlier submissions, the disconnect notice is not itself a disconnection of service. Instead, even when other collections notices have failed, it is still an initial step in a process that is designed to actually avoid the disconnection through a series of opportunities to engage in a discussion intended to resolve the problem through other reasonable means. Public policy should wisely promote this engagement, not unintentionally discourage or prevent it.

JCP&L's Response Comments are being filed with the Board Secretary and served on the parties in the COVID-19 Proceeding, electronically only, consistent with the Board's Order dated March 19, 2020 (Docket No. EO20030254) directing that all submissions to the Board, of any kind, be submitted electronically. No paper copies will follow and we would appreciate if the Board Secretary's office would please acknowledge receipt of this filing. Your anticipated courtesies and cooperation are very much appreciated. If your office has any questions about this filing, please do not hesitate to contact us.

Respectfully submitted,

COZEN O'CONNOR

Michael J Connolly

By: Michael J. Connolly

MJC:lg

C: Service List (*via electronic mail*)

ATTACHMENT A-

Maryland PSC Order (12-21-20)

ORDER NO. 89682

Impacts of COVID-19 Pandemic on Maryland's Gas and Electric Utility Operations and Customer Experiences	* * * * * * *	BEFORE THE PUBLIC SERVICE COMMISSION OF MARYLAND PC53

Issue Date: December 21, 2020

ORDER ON ARREARAGE MANAGEMENT PROGRAMS

1. In Public Conference 53 ("PC53"), the Commission requested information and comment on the impact of the COVID-19 pandemic on ratepayers, utilities, and other interested persons. Based on evidence demonstrating that residential customers were accumulating large unpaid balances -- and advocacy by some of the parties for the consideration of arrearage forgiveness programs paired with energy assistance and partial payment plans -- on September 4, 2020, the Commission issued a Notice and Request for Arrearage Program Proposals (the "Notice"). On October 7, 2020, Baltimore Gas and Electric Company ("BGE"), Potomac Electric Power Company ("Pepco"), Delmarva Power & Light Company ("DPL"), The Potomac Edison Company ("Potomac Edison"), Washington Gas Light Company ("WGL"), and Columbia Gas of Maryland ("Columbia") (collectively, the "Utilities") submitted a joint response and proposal (the "Joint Utility Proposal" or the "Proposal") for the establishment of an Arrearage Management Program ("AMP"). Columbia also filed a separate response, as did UGI Utilities, Inc. ("UGI") and Chesapeake Utilities Corporation ("Chesapeake"). Responses

to the Joint Utility Proposal and the separate utility responses were filed by the Commission's Technical Staff ("Staff"), the Maryland Office of Peoples' Counsel ("OPC"), Prince George's County, and a group of public interest organizations (the "Maryland Public Interest Groups").[1]

2. On November 9, 2020, the Commission convened a public hearing and heard directly from the Utilities and interested stakeholders regarding the AMP proposals. For the reasons stated below, without prejudice to refiling amended versions of these programs in the future, the Commission rejects the AMP proposals filed by the Utilities as well as the modified proposals of Columbia[2] and Chesapeake. The Commission will continue to monitor the customer arrearage data provided by utilities, however, and may revisit this issue in the future.

Background

3. The Commission's Notice provided, in pertinent part:

a) In consultation with Staff, OPC and the Office of Home Energy Programs ("OHEP"), each Maryland gas, electric, and gas and electric investor-owned utility should develop cost-neutral arrearage forgiveness programs and/or Arrearage Management Programs suitable to address potential uncollectible COVID-19 related arrearages and reduce or eliminate COVID-19 arrearage-related terminations within that utility's customer base;

b) Proposals should be filed by October 7, 2020 and should include current arrearage data and any information necessary to evaluate the costs and benefits of the program; and

c) Comments on the proposals should be filed by October 28, 2020.

[1] The Natural Resources Defense Council, the National Housing Trust, the Green and Healthy Homes Initiative, and Maryland Energy Advocates.

[2] The Commission does not object to Columbia's proposal to expand the eligibility criteria for its Heat Share Fuel Fund.

4. The responses to the Notice were as follows:

1. The Joint Utility Proposal

5. The Utilities state in their Proposal that they initiated discussions amongst themselves and stakeholders, including OPC, OHEP, and Commission Staff.[3] They further state that based on those discussions, the Utilities agreed to propose core terms for a short-term AMP, which would provide arrearage relief to residential customers who make timely payments on their current bills.[4]

6. The Utilities propose that for any customer enrolled in the AMP, for each month that the customer pays their current monthly bill on time (not including any pre-enrollment arrearage amounts), the utility will forgive one-twelfth of the pre-enrollment arrearage balance.[5] When the customer completes twelve months of bill payments, the full amount of pre-enrollment arrearage is forgiven.[6] Under the Utilities' Proposal, a customer may miss up to two payments, and if the customer misses a payment but makes it up the next month (in addition to paying that month's bill) the customer receives credit for two payments, each worth one-twelfth of pre-program arrears.[7]

7. The Utilities propose that a customer will be in default of their AMP plan if they fail three times to make a full monthly payment by the billed due date, are disconnected for non-payment of newly incurred charges without making payments required for reconnection, or voluntarily stop service and close their account.[8] However, any

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[3] Proposal at 3.
[4] *Id*..
[5] *Id*. at 4-5.
[6] *Id*.
[7] *Id*.
[8] *Id*. at 8.

customer who experiences a disconnection for nonpayment would be permitted to continue their AMP plan if the customer makes the required payments (not including pre-enrollment arrearages) to restore service before their account is closed under existing utility timelines.[9] Upon default, any remaining pre-program arrears that have not yet been forgiven will come due at that time and be billed to the customer.[10]

8. The Utilities propose that the AMP plan will be open to customers who are at least 60 days past due, with a maximum arrearage of $3,000, though a customer with an arrearage above that limit could become eligible after paying and/or receiving energy assistance grants that bring the amount of arrearage within the eligibility limit.[11] Customers with an active payment plan would be permitted to transfer any remaining balance into the new AMP plan.[12]

9. The Utilities propose that customers must have been approved for assistance from the Maryland Department of Human Services, Office of Home Energy Programs ("OHEP") within the twelve months before enrollment, which is generally limited to households with income not exceeding 175% of the federal poverty level.[13]

10. The Utilities propose that the AMP would apply to both commodity and distribution charges (and related taxes and fees) for customers receiving commodity supply from the utility or for customers receiving supply from a retail supplier that

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[9] *Id.*at 9.
[10] *Id*.
[11] *Id*. at 5.
[12] *Id.*at 8.
[13] *Id*. at 6.

utilizes utility consolidated billing, but that amounts billed separately by retail suppliers would not be included.[14]

11. The Utilities anticipate that they would be able to each launch a streamlined program in the form proposed within 120 days of Commission approval.[15] The Utilities each committed to inform the Commission and stakeholders of any delays.[16]

12. The Utilities propose that each utility AMP would stop enrolling customers six months after the AMP was launched.[17] They also propose that each utility will develop an outreach and communication plan in partnership with other stakeholders.[18]

13. The Utilities have performed an estimate of cost-neutrality that produced a benefit-cost ratio range of between 0.70 (not cost-effective) and 1.36 (cost-effective) without considering estimated startup and operational expenses, which vary by utility.[19] When those expenses are included, the cost-benefit range decreases further to 0.35 to 1.02.[20] At the hearing, BGE representative Mark Case testified that the Utilities expect the AMP to be cost-negative for customers.[21]

14. The Utilities state that they are not aware of any AMP anywhere that is cost-neutral.[22]

15. The Utilities propose to recover costs either through the regulatory asset created

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[14] *Id*. at 5-6.
[15] *Id*. at 7.
[16] *Id*. at 7-8.
[17] *Id*. at 8.
[18] *Id*.
[19] *Id*. at 10-11.
[20] *Id*. at 11.
[21] November 9, 2020 Hr.'g Tr. at 25 (Case).
[22] Proposal at 11, n. 13.

to track incremental COVID-19 costs or a new regulatory asset.[23]

2. Statements by other utilities

16. UGI is not a signatory to the Joint Utility Proposal but states that it does not oppose it and will adopt it -- if it is approved by the Commission -- as its own proposal to address arrearages.[24] UGI states that it currently has 526 customers, but only two of them utilized Maryland Energy Assistance Program ("MEAP"), and neither of them has an arrearage.[25]

17. Chesapeake states that it is a signatory to the Joint Utility Proposal but filed separately to express concerns about the cost-effectiveness of the proposed AMP due to high startup costs, especially for smaller utilities.[26] In order to spread the costs across a larger body of beneficiaries, Chesapeake proposes to expand eligibility to cover all current customers with arrearages.[27] Alternatively, Chesapeake proposes implementing an incentive plan whereby the utility would pay customers in arrears to enter into payment plans.[28]

18. Columbia is a signatory to the Joint Utility Proposal but also filed separately. Columbia proposes that its AMP program will be available for customers who receive a 2020-2021 MEAP grant and have previously received Gas Arrearage Retirement Assistance ("GARA") funding, or for customers whose combined 2020-2021 MEAP and

[23] *Id*. at 12-14.
[24] UGI at 1.
[25] *Id*. at 1.
[26] Chesapeake at 3-4.
[27] *Id*.at 4.
[28] *Id*.

GARA grants are insufficient to satisfy their entire arrears.[29] Columbia also states that it does not believe that automating the AMP process will be cost-effective and instead proposes to run the program manually.[30]

19. Columbia also proposes to expand its Heat Share Fuel Fund in order to assist those of its customers that are not eligible for the proposed AMP.[31] Columbia estimates that the proposed AMP eligibility rules would exclude over 90 percent of customers currently in arrears because those customers have not been approved for OHEP or MEAP assistance.[32] Columbia proposes to extend income guidelines for its Heat Share Fuel Fund program to include customers with income up to 250 percent of the Federal Poverty Guidelines for the duration of the program year—ending September 30, 2021—or until funds run out.[33]

3. Commission Technical Staff

20. Staff does not object to the Joint Utility Proposal.[34] Staff recommends, however, that customers of combined gas and electric utilities who are dual customers with both gas and electric service on a single account should be subject to a higher arrearage cap for eligibility.[35] Staff also recommends that customers removed from the AMP for a third missed payment should be afforded the opportunity to enter into long term payment plans per the Commission's order on August 31, 2020.[36] Staff also recommends that the

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[29] Columbia at 2-3.
[30] *Id*. at 5.
[31] *Id*. at 1-2.
[32] *Id*. at 4.
[33] *Id*. at 4-5.
[34] Staff at 3.
[35] *Id*.at 5.
[36] *Id*. at 7.

mechanism of any excess cost recovery should be determined in future proceedings, subject to a showing of prudency as to the level of expenditure.[37]

21. Staff also does not object to Columbia's additional proposals.[38] Staff does object to Chesapeake's proposal to expand eligibility to cover all customers.[39] Staff recommends that, given the small number of customers in arrearage, UGI should implement any approved AMP plan on a manual basis.[40]

4. The Maryland Public Interest Groups

22. The Maryland Public Interest Groups criticize the Joint Utility Proposal, which they argue focuses unreasonably on reducing arrearage balances over helping customers suffering hardship as a result of COVID-19 to maintain their utility service.[41]

23. They argue that the Utilities' approach to cost-benefit analysis ignores costs associated with termination (such as costs of notice, disconnection, collection activity, writing off uncollectible debt, and disputes with customers) as well as associated societal costs and benefits.[42] They argue that customers should be able to use OHEP funds to pay current bills, rather than having those funds go to unpaid arrearages.[43] They also argue that utilities should forgive or waive late fees, convenience fees, customer deposits, and reconnection fees to make current bills more affordable.[44]

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[37] *Id*. at 8.
[38] *Id*. at 10.
[39] *Id*. at 10-11.
[40] *Id*. at 11.
[41] MPIG at 4-5.
[42] *Id*. at 10-11.
[43] *Id*. at 7.
[44] *Id*. at 8.

24. They also argue that eligibility should be expanded beyond only those determined to be eligible for OHEP assistance, which they argue excludes many households now having difficulties with expenses due to COVID-19.[45] They also argue against the proposed $3,000 arrearage eligibility cap, which they term arbitrary, and recommend that the Commission impose only a yearly cap rather than an overall cap.[46]

25. They also argue that the Utilities' Proposal fails to address what will happen to customers between now and when the AMP gets up and running in approximately 120 days, and they question whether those customers will be at risk of termination between now and then.[47] They also argue that the proposed six-month timeframe for the AMP is arbitrary and that the AMP may be needed for longer than that amount of time.[48]

26. They recommend that the Commission impose further reporting requirements to allow regulators to assess the impacts and success of the AMP.[49] They also recommend that the Commission should focus the AMP on delivering energy efficiency investments to low-income customers through EmPOWER.[50] Finally, they recommend that the Commission should hold another hearing to hear from organizations attempting to help Maryland residents deal with the economic fall-out from the pandemic as well as impacted individuals.[51]

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[45] *Id*.
[46] MPIG at 9.
[47] *Id*.
[48] *Id*.
[49] *Id*. at 9-10.
[50] *Id*. at 11-15.
[51] *Id*. at 16.

5. Prince George's County

27. Prince George's County supports the Joint Utility Proposal with some modifications.[52] The County recommends that that the AMP eligibility rules permit a customer to pay less than their new monthly bill in order to prevent customers from falling back into arrears.[53] The County also recommends that, in the event of service termination, government agencies be notified in advance in order to protect health and safety interests.[54] Finally, the County recommends that AMPs be available to renters.[55]

6. Maryland Office of People's Counsel

28. OPC states that it supports some of the elements included in the Joint Utility Proposal but has concerns, particularly relating to the eligibility requirements, the timing of payments, and the enrollment windows.[56] OPC recommends that the Commission approve a modified version of the Joint Utility Proposal on a provisional or pilot basis.[57]

29. OPC recommends that the proposed income eligibility limits be raised to 250 percent of the Federal Poverty Limit or 80 percent of Maryland's Area Median Income limits.[58] In order to implement that change, OPC recommends that the Commission modify the Joint Utility Proposal to extend the eligibility criteria to include customers who have been approved for other income-tested and means-tested programs,[59] with the

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[52] Prince George's County at 1.
[53] *Id.*at 2.
[54] *Id*.
[55] *Id*.
[56] OPC at 5.
[57] *Id*. at 6.
[58] *Id*. at 8.
[59] On November 23, 2020, the Utilities provided a supplemental filing with the Commission concerning this proposal by OPC and argued that only four of the eleven programs identified by OPC had eligibility criteria "within range of the income eligibility limits of the proposed AMP."

customer needing only to produce to the utility a document verifying the household's participation in such a program.[60]

30. OPC also questions the Utilities' proposed cap of $3,000 in arrearages and recommends the Commission require utilities to produce information about the distribution of arrearage amounts within their customer base.[61] OPC also recommends that customers receiving both gas and electric service from the same utility should be subject to a higher cap and that the cap should not be a bar to eligibility but merely a limit on the amount of debt forgiveness.[62]

31. OPC questions the details of how customer default is measured under the Joint Utility Proposal.[63] OPC recommends that default and repayment should not focus on the timeliness of payments but merely that the payments were made in full prior to service termination.[64] OPC argues that flexibility for customers is necessary during a period of unpredictable income fluctuations.[65] OPC also recommends that AMP agreements should move with a customer who moves residences within a utility's service territory without further action by the customer.[66]

32. OPC also questions the analysis of cost-neutrality on which the Utilities rely in their Proposal, arguing among other things that the analysis should not have assumed that none of the arrearages would be paid without the AMP.[67] OPC recommends that the

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[60] OPC at 9-10.
[61] *Id*. at 10.
[62] *Id*. at 12-13.
[63] *Id*. at 14.
[64] *Id*. at 15, 18.
[65] *Id*. at 15.
[66] *Id*. at 18.
[67] *Id*. at 16.

Commission form a work group to develop a method for determining the cost-neutrality of COVID-19-related AMPs and to consider the expansion of the income eligibility criteria.[68] OPC recommends the Commission defer making a decision on cost-recovery until after it has reviewed the results of that work group process.[69] OPC also recommends that the Commission establish a proceeding to examine issues related to energy affordability, further customer debt relief, and bill payment capacity.[70]

Commission Decision

33. When the Commission issued its Notice requesting proposals for Arrearage Management Programs, it was with the understanding that many Maryland customers (more than the utilities' seasonal averages) had fallen behind on their utility payments as a result of the COVID-19 pandemic, and that the long-term expectation was that a large share of those arrearages would be ultimately uncollectible. The Commission hoped that AMPs could be developed and implemented that would provide a cost-effective method of reallocating expected future uncollectibles.

34. Although the Commission appreciates the good faith efforts of the parties in developing their proposals on short notice, all of the parties agree that the proposals are not cost effective or cost neutral at best. The Joint Utility Proposal contains large overhead costs and is not projected to be cost-effective. Moreover, there have been substantial concerns raised that the analysis in support of the Utilities' Proposal may overstate certain benefits, thus further reducing cost-effectiveness. There has been no cost-benefit analysis filed for the various proposed expansions of the Joint Utility

[68] *Id*. at 6.
[69] *Id*.
[70] *Id*.

Proposal, but there has also been no suggestion by any party that the expansions would substantially improve cost-effectiveness.

35. In fact, the Utilities acknowledge in their Proposal that they are not aware of any AMPs in the United States that are cost effective.[71] OPC identifies three AMP programs with a permanent debt forgiveness component (in Connecticut, California, and Massachusetts, of which only the Massachusetts program predates the COVID-19 pandemic), but it made no representation that those programs are currently or projected to be cost effective for utilities or ratepayers.[72]

36. The Commission also notes that, according to the testimony given by OHEP Director Bill Freeman at the August 28, 2020 hearing, OHEP has large amounts of undistributed funds available to assist ratepayers in need through its energy assistance programs.[73] The Utilities also committed at that hearing to work with ratepayers to avoid disconnections, and the subsequent status reports filed by the Utilities indicate that the utilities are working with customers to facilitate payment arrangements that keep customers on service.

37. The Commission therefore rejects, without prejudice, the AMP proposals as presented. The Commission will continue to monitor the status reports filed by the utilities as part of PC53 and may revisit the question of AMPs in the future. The Commission does not object to Columbia's proposal to expand the eligibility criteria for its Heat Share Fuel Fund.

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[71] Proposal at 11, n. 13.
[72] OPC at 23-33.
[73] August 28, 2020 Hr'g Tr. at 387 (Freeman).

IT IS THEREFORE, this 21st day of December, in the year of Two Thousand Twenty, by the Public Service Commission of Maryland;

ORDERED: The Arrearage Management Programs discussed above are rejected, without prejudice.

/s/ Jason M. Stanek

/s/ Michael T. Richard

/s/ Anthony J. O'Donnell

/s/ Odogwu Obi Linton

/s/ Mindy L. Herman
Commissioners

Dissenting and Concurring Statement of
Commissioner Michael T. Richard

1. I write separately because, while I concur with the Commission's decision to reject the Joint Utility Proposal without prejudice, I believe that the Order stops short of taking the necessary action to develop an appropriate program to address the COVID-19 pandemic and the resulting economic crises surrounding the pandemic. I am persuaded by the testimony at the November 19, 2020 Hearing that this unprecedented health crises calls for Commission action to mitigate the catastrophic financial impacts that government-mandated pandemic response measures have had on many Maryland households. I also am persuaded by the testimony that Arrearage Management Programs are proven, effective tools – already successfully in place in many other states – for providing financial relief to distressed households in order to maintain essential utility services.

2. While this Order dwells on the fact that nearly all the parties that testified at the November 9 Hearing criticized the Utility Joint Proposal to varying degrees, what is missing in the Order is that all these same participants were in support of an AMP— and nearly all testified that such a program is urgently needed.

3. I do concur with the Commission's finding that, "while it is a good faith effort," the program as presented should be rejected as is. But, rather than just focusing on the deficiencies that made the proposed program ill-suited to addressing the specific needs of those impacted by this pandemic, I believe what we heard at the Hearing was a charge to improve it. Rather than simply rejecting the Joint Utility Proposal with a promise to "monitor" the situation, I would have preferred that the Commission had also taken

action to order the utilities to reconvene the parties and continue working to develop a program specifically designed to address the COVID-19 economic crisis, and have it ready for Commission review by the end of the first quarter of 2021.

4. I am further concerned that this decision deviated from its original charge to develop "cost-neutral" programs "*to the extent possible,*"[1] and instead made cost-neutrality an absolute determining factor, and seemingly accepted—without challenge—the Joint Utilities' assertions of program costs or their "two-scenario" analysis of the Program's cost-neutrality.[2] Missing in the Order is a consideration of the utilities' own "[b]eyond a strict cost-benefit calculation" discussion, where the utilities talk about how AMPs can provide an "invaluable service of helping vulnerable customers" who are "facing severe financial challenges imposed upon them by an unprecedented public health crisis" and are facing "consequences as a result of changes in life and work" including customers with "students attending school virtually from their home."[3] I wholeheartedly agree, as the utilities stated in their cost-neutrality discussion, that "[w]hen a utility is able to help customers address these challenges and prevent turnoffs in this way, the outcome inarguably is a far healthier community for everyone, not only those directly impacted by the program."[4]

5. Also, I agree with the Office of People's Counsel that there was insufficient data to truly determine cost-neutrality and that the utilities' analysis excluded factors that undervalued the benefits of AMPs – many of which are, "additional social benefits" not

[1] Notice and Request for Arrearage Program Proposals dated September 4, 2020 at 2.
[2] Proposal at 11.
[3] *Id*.
[4] *Id*.

measured.[5] I support OPC's approach to initiate an AMP on a provisional or pilot basis and concurrently establish a working group to develop an agreed upon method of determining the cost-neutrality of an AMP specifically designed to address COVID-19 pandemic-related financial needs. Again, I would have supported making such a directive in this Order, rather than leaving this as a possibility as some unspecified future date.

6. In conclusion, I believe that the preponderance of the testimony presented showed that the COVID-19 health crisis and the government's response to it have resulted in one of the most catastrophic economic crises of our lifetime. Data shows that many Maryland households that have never needed economic assistance are now facing financial hardships that not only threaten their ability to maintain essential utility services but may create financial stresses for years to come as they recover from this unprecedented event. The overwhelming majority of testimony at the November 9 Hearing supported the establishment of an AMP plan, and the Commission's Staff called it an "effective mechanism in alleviating the financial hardships that have resulted from the pandemic" and "it does achieve the over-arching goal of assisting those ratepayers that need that assistance the most."[6]

7. It is my hope that despite the absence of direction by the Commission in this Order to do so, all the parties will continue to work to develop a COVID-19 pandemic-related Arrearage Management Program and give this Commission another opportunity,

[5] OPC at 17.
[6] Staff at 6-8.

soon, to consider this urgently needed mechanism to help Maryland families.

/s/ Michael T. Richard

Commissioner

ATTACHMENT B-

Maryland PSC Order (2-24-21)

ORDER NO. 89745

Impacts of COVID-19 Pandemic on Maryland's Gas and Electric Utility Operations and Customer Experiences	* * * * * * *	BEFORE THE PUBLIC SERVICE COMMISSION OF MARYLAND PC53

Issue Date: February 24, 2021

ORDER DIRECTING DATA SUBMISSION TO INFORM THE DISTRIBUTION OF ENERGY ASSISTANCE FUNDS

1. This Order directs Maryland Utilities ("Utilities" includes investor-owned, municipal and cooperative electric and gas utilities) to coordinate among themselves and with the Office of Home Energy Programs ("OHEP") to provide data to the Commission regarding residential customer arrearages that may be reduced or eliminated under the recently enacted Recovery for the Economy, Livelihoods, Industries, Entrepreneurs, and Families Act (the "RELIEF Act"). The Utilities are directed to submit the data to the Commission by April 9, 2021. This Order also establishes additional protections to ensure that customers who are eligible for arrearage assistance under the RELIEF Act do not experience service termination due to unpaid arrearages during the period necessary to distribute funds.

I. BACKGROUND

2. On February 15, 2021, the Maryland General Assembly passed and Governor Lawrence Hogan, Jr. signed the RELIEF Act into lawt. Among other things, the RELIEF Act established the "Recovery Now Fund" as a special non-lapsing fund to address effects of the COVID-19 pandemic on Maryland's economy. The RELIEF Act allocated a total of $30 million from the State's Rainy Day Fund to the Public Service Commission,[1] and authorized the Governor to submit budget amendments to appropriate additional funds from other sources.[2] The RELIEF Act directs the Commission to distribute the allocations "as grants to utility companies[3] to assist households with utility arrearages by reducing those arrearages" in the following order: (1) eliminate all arrearages for households who have qualified for OHEP Energy Assistance benefits in the past four years; (2) eliminate all arrearages for residential special needs customers;[4] and (3) eliminate the oldest arrearages. The RELIEF Act also provided that, to the extent practicable, funds should be distributed proportionately by population across the State.[5]

II. UTILITY DATA REQUIRED BY THIS ORDER

3. In order to implement the above-referenced sections of the RELIEF Act, and develop appropriate procedures for distribution of the funding prescribed therein, the Commission orders as follows:

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[1] Section 9 of the RELIEF Act established a "Recovery Now Fund" from which was allocated $30 million dollars.

[2] Section 10(b)-(c) of the RELIEF Act also directed that $30 million of funds in the Maryland Strategic Energy Investment Fund may be expended only for utility arrearage assistance in fiscal 2021 and authorized the Governor to seek a budget amendment to appropriate those funds to the Commission.

[3] Including cooperatives and municipal utilities. Section 10(c)(1) of the RELIEF Act.

[4] The RELIEF Act does not define "special needs". This category shall consist of customers eligible for the protections provided under the provisions of COMAR 20.31.03.01 and .02.

[5] Section 12(1) of the RELIEF Act.

4. Utilities shall consult with OHEP and file with the Commission by April 9, 2021, identifying -- where applicable -- the following data, accurate as of March 31, 2021: (1) the number of active accounts with unpaid arrearages and total dollar amounts of unpaid arrearages for residential customers that received or were qualified for OHEP benefits at any time subsequent to February 15, 2017 broken out by year and then by county; (2) the number of active accounts with unpaid arrearages and total dollar amounts of unpaid arrearages for residential customers that were special needs customers (as defined in footnote 4 above) within the last 12 months, broken out by county, if possible; (3) the total number of active accounts with unpaid arrearages and total dollar amounts of unpaid arrearages (*i.e.*, 30 days or greater) for residential customers not included in the previous section, broken out by county, and further summed and broken out by the month and year in which the arrearage was accrued; and (4) the utility's total residential load in the State of Maryland, given in MWh and/or Mcf, as applicable. Filings must include active Excel spreadsheets for all data.

5. Upon review of the Utilities' data responses, the Commission will issue guidance regarding the distribution of funds to the Utilities and the manner in which the Utilities will allocate the funds to its customers with eligible arrearages. The Commission will also establish reporting requirements to verify how the funds were applied.

6. By April 9, 2021, each Utility[6] shall also provide to the Commission's Fiscal Department a completed W-9. A blank form W-9 is attached as an appendix to this Order.

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[6] The affected utilities are those referenced on the service list attached as an appendix to this Order.

<u>III. NOTICE OF DISCONNECTION FOR NON-PAYMENT IN THE INTERIM</u>

7. During the PC53 proceedings, the utilities committed that they would exercise restraint to avoid disconnecting customers who were unable to pay their utility bills, and would not proceed with service termination when a customer contacted the utility--explaining the customer's circumstances, requesting assistance--and indicating a willingness to establish a reasonable repayment plan.[7] The Commission's review of the utilities' filings in PC53 indicates that the utilities have been working with customers to avoid disconnections. Nonetheless, to ensure that the potential beneficiaries of the Act are able to maintain uninterrupted utility service until funds can be distributed, the Commission orders that, until June 30, 2021, any customer that is either a special needs customer (as defined above) or has received or been qualified to receive OHEP Energy Assistance after February 15, 2017 may not have service denied for failure to pay for service. This protection is in addition to those promulgated in the Commission's August 31, 2020 Order, which remains in effect as modified herein.

IT IS THEREFORE, this 24th day of February, in the year of Two Thousand Twenty-One, by the Public Service Commission of Maryland

ORDERED: (1) That all affected utilities shall file with the Commission by April 9, 2021, the items described in this Order;

(2) That until June 30, 2021, any customer that is either a special needs customer (as defined in this Order) or has received or been qualified to receive OHEP Energy

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[7] *See* Commission Order on Arrearage Management Programs, Dec. 21, 2020 (Order No. 89682).

Assistance after February 15, 2017 may not have service denied for failure to pay for service.

/s/ Jason M. Stanek

/s/ Michael T. Richard

/s/ Anthony J. O'Donnell

/s/ Odogwu Obi Linton

/s/ Mindy L. Herman
Commissioners

ATTACHMENT C-

WVa Governor Letter (10-1-20)

Jim Justice

Governor of West Virginia

October 1, 2020

Dear West Virginia Utility Company:

As your Governor, I said from the very beginning of this pandemic that I was going to do everything in my power to help West Virginia get through this difficult time. That is why I have allocated $25 million of CARES Act funds to provide much needed relief to West Virginians who are struggling to pay their utility bills. The CARES Act provides that payments may be made on behalf of customers who have suffered economic hardships caused by COVID-19 to allow them to pay their accumulated unpaid bill(s). I have determined to make CARES Act funding available to such customers to pay utility bills for service provided on or after March 1, 2020 (the "Eligible Period").

You are receiving this letter because you are an eligible utility service provider in West Virginia, with West Virginia residential customers who have likely been impacted by the COVID-19 pandemic. Enclosed is a form letter that you may send to your residential customers with unpaid amounts accumulated for bill(s) issued during the Eligible Period (the "Eligible Balance"). Note that past due balances for services delivered before or after the Eligible Period are not eligible for payment through this grant process.

For residential customers who certify that their Eligible Balances during the Eligible Period resulted from economic hardship and/or uncertainty resulting from the COVID-19 pandemic, the State of West Virginia will pay such Eligible Balance on their behalf.

To receive payments on behalf of customers with Eligible Balances during the Eligible Period, the following steps must be followed:

1. Send a notice to your customers (with the subject or title of "Notice of COVID-19 Utility Services Grant Funding Availability") with Eligible Balances incurred during the Eligible Period, providing them with the following:
    a. What your records show to be their Eligible Balance;
    b. The enclosed form letter and application for customers to complete and return to you.
2. The residential customers will then complete the application and return them to your company, by such means as you instruct.
3. Once you have received completed applications from eligible residential customers, you will then apply for grant funding through the grants.wv.gov portal, submitting the following:

    a. The total amount certified to be Eligible Balances incurred during the Eligible Period due to economic hardship and/or uncertainty resulting from the COVID-19 pandemic;

b. An itemized accounting showing a summary of customer names, account numbers, and the amount such residential customers certified as the Eligible Balances resulting from the COVID-19 pandemic; and

c. Certifications regarding the process used to collect residential certifications and the utility company's use of any funds received, among other certifications. See, Certifications Page on Grant Portal.

4. Note that the utility service provider must be a registered vendor with the State of West Virginia in order to access the grants.wv.gov portal and to then receive payments. If the utility service provider is not yet a registered vendor, they can apply by visiting https://www.wvoasis.gov/, and clicking "VSS." During the registration process a W-9 will be required.
5. Note also that registering for EFT (electronic funds transfer), if not already registered, will allow the utility company's request for payment to be processed more quickly. You can register for EFT at https://www.wvsao.gov/ElectronicPayments/Default.

Note that you must maintain records relating to the application for, receipt of, and payment toward the accounts of your customers (including without limitation records indicating the Eligible Balance for the Eligible Period and completed applications from residential customers) for a period of five years from the date of receipt of State funds to pay past due balances on behalf of affected residential customers. The State of West Virginia has the right to audit the utility service provider regarding this grant and the State and/or the federal government may pursue recovery of grant amounts and/or civil or criminal charges if the funds are knowingly used for unauthorized purposes.

Assistance for utility service providers applying through this grant process will be provided by the applicable Regional Planning and Development Council for the particular geographic region in which your utility company operates, by the WV Rural Water Association, and representatives within the WV Public Service Commission.

In these uncertain times, it is my hope that these grant funds will provide some peace of mind and security to your customers in knowing that they will continue to receive the essential services your company provides to them.

Sincerely,

Jim Justice
Governor

Certifications Page on Grants Portal Sample

On behalf of [Utility Company] (the "Utility"), I, [Name of Authorized Representative], an authorized representative of the Utility, hereby certify to the following in order to receive grant funds from the State of West Virginia on behalf of residential customers of the Utility that have certified that they have a unpaid amounts accumulated for bill(s) issued on or after March 1, 2020 (the "Eligible Period") as a result of economic hardship and/or uncertainty caused by the COVID-19 pandemic:

- ☐ I certify that the Utility has complied with the terms of the letter from the Governor of the State of West Virginia to the Utility dated [XXXXX, 2020], regarding the process by which the Utility needed to inform eligible Utility customers of this program and have such eligible customers make certifications as to the amount of their unpaid amounts accumulated for bill(s) issued during the Eligible Period (the "Eligible Balance") that resulted from economic hardship and/or uncertainty caused by the COVID-19 pandemic.

- ☐ I certify that the amounts claimed by each eligible Utility residential customer under this application for grant funds Eligible Balances , and that no amounts due from the customer to the Utility before or after the Eligible Period are included in this request for funds.

- ☐ I certify that the funds that may be received from the State, based on this application for grant funds, will be paid toward the accounts of the residential Utility customers for Eligible Balances, as listed in the itemized accounting provided with and made a part of this application for grant funds, and that no funds received from the State will be used for any purpose other than paying the Eligible Balances listed in such itemized accounting on behalf of such customers.

- ☐ I certify that if the total amount of funds received from the State differ in any way from the total amount requested under this application for grant funds, the Utility will contact the State to determine any necessary changes to how payments will be applied, prior to expending any funds received under this application for grant funds.

- ☐ I certify that if inaccuracies in information the Utility supplied are identified at any time resulting in a reduction in the amount that should be considered Eligible Balances, then the Utility will be responsible for paying back to the State the difference between what was received and what should have been deemed Eligible Balances and transferred from the State to the Utility on behalf of eligible residential customers.

- ☐ I certify that Utility must maintain records relating to the application for, receipt of, and payment toward the accounts of Utility customers (including without limitation records indicating the Eligible Balances and the completed applications with certifications from residential customers) for a period of five years from the date of receipt of State funds under this application for grant funds, and must deliver any such information that may be requested by the State during such period.

☐ I acknowledge that the State of West Virginia has the right to audit Utility regarding this grant and the expenditure of any funds received from the State and that the State and/or the federal government may pursue recovery of grant amounts and/or civil or criminal charges if the funds are knowingly used for unauthorized purposes.

☐ I certify that the information contained in this application for grant funds is true and correct and may be relied upon by the State of West Virginia.

____
Authorized Representative of Utility

____
Title

____
Date

Jim Justice
Governor of West Virginia

October 1, 2020

Dear West Virginia Residential Utility Customer:

As your Governor, I said from the very beginning of this pandemic that I was going to do everything in my power to help every West Virginian affected during this difficult time. That is why I have allocated $25 million of CARES Act funding to provide much needed relief to West Virginians who are struggling to pay their utility bills due to economic hardships caused by COVID-19.

You are receiving this letter because your utility service provider's records show that you have a past due balance for a utility bill for services provided on or after March 1, 2020. The grant funds I am providing for you will pay some, or all, of your utility bills and help you continue receiving these essential services if your unpaid bills are due to COVID-19.

Anyone with eligible unpaid utility bills resulting from financial hardships caused by the COVID-19 pandemic is eligible for this grant. By completing the application form attached, and by signing and returning it to the utility company from which you received this letter, **you may be eligible for some or all of your outstanding utility debt related to the impact of the COVID-19 pandemic to be paid on your behalf.**

I pray that these funds give you some peace of mind. I know West Virginians are some of the most resilient people on earth, and I know that we will all get through this pandemic if we stay together and stay West Virginia Strong.

Sincerely,

Jim Justice
Governor

RESIDENTIAL UTILITY GRANT APPLICATION AND CERTIFICATION

Utility Company: ______________________________

Name of customer of record: ______________________________

Account Number: ______________________________

Customer Billing Address: ______________________________

Telephone number: ______________________________

Email: ______________________________

COVID-19 Related Past Due Balance: ______________________________

Note: As used below, "economic hardship and/or uncertainty resulting from the COVID-19 public health emergency" includes hardship that has actually been incurred such as losing a job or working less hours, as well as uncertainty and a desire to put off some payments and save money for necessary food or medicine in case of job loss or other negative economic impacts reasonably expected to result from the COVID-19 public health emergency.

The "Eligible Period" is March 1 through July 31, 2020.

The "Eligible Balance" is the unpaid amount accumulated for bill(s) for utility services provided during the Eligible Period.

Please review the following certifications, check each box that is true, and return this application to the utility for which you are applying for CARES Act grant funds to pay the Eligible Balance resulting from the COVID-19 public health emergency. **Please check each box or circle that apply to receive this assistance.**

- ☐ I certify that I have experienced economic hardship and/or uncertainty resulting from the COVID-19 public health emergency.

- ☐ I certify that the amount of the Eligible Balance associated with my utility account, as stated in the Notice of COVID-19 Utility Services Grant Funding Availability sent to me by the utility company referenced above, is a result of economic hardship and/or uncertainty caused by the COVID-19 public health emergency:

    - o The full amount of the Eligible Balance during this period is due to economic hardship and/or uncertainty resulting from the COVID-19 public health emergency.

-OR-

- If less than the full amount, _______% (e.g., 25%, 50%, 75%) of the Eligible Balance during this period is due to economic hardship and/or uncertainty resulting from the COVID-19 public health emergency.

- ☐ I give my consent for the utility company referenced above to give data about my account and usage to any State representative or contractor administering this program. I understand that my account information will only be used for purposes of administering the grant funding.

- ☐ I acknowledge that the State of West Virginia may pay, on my behalf, the amount certified above of the Eligible Balance on my utility account resulting from the impact of the COVID 19 public health emergency.

- ☐ By signing below, I certify that I am a citizen of the United States.

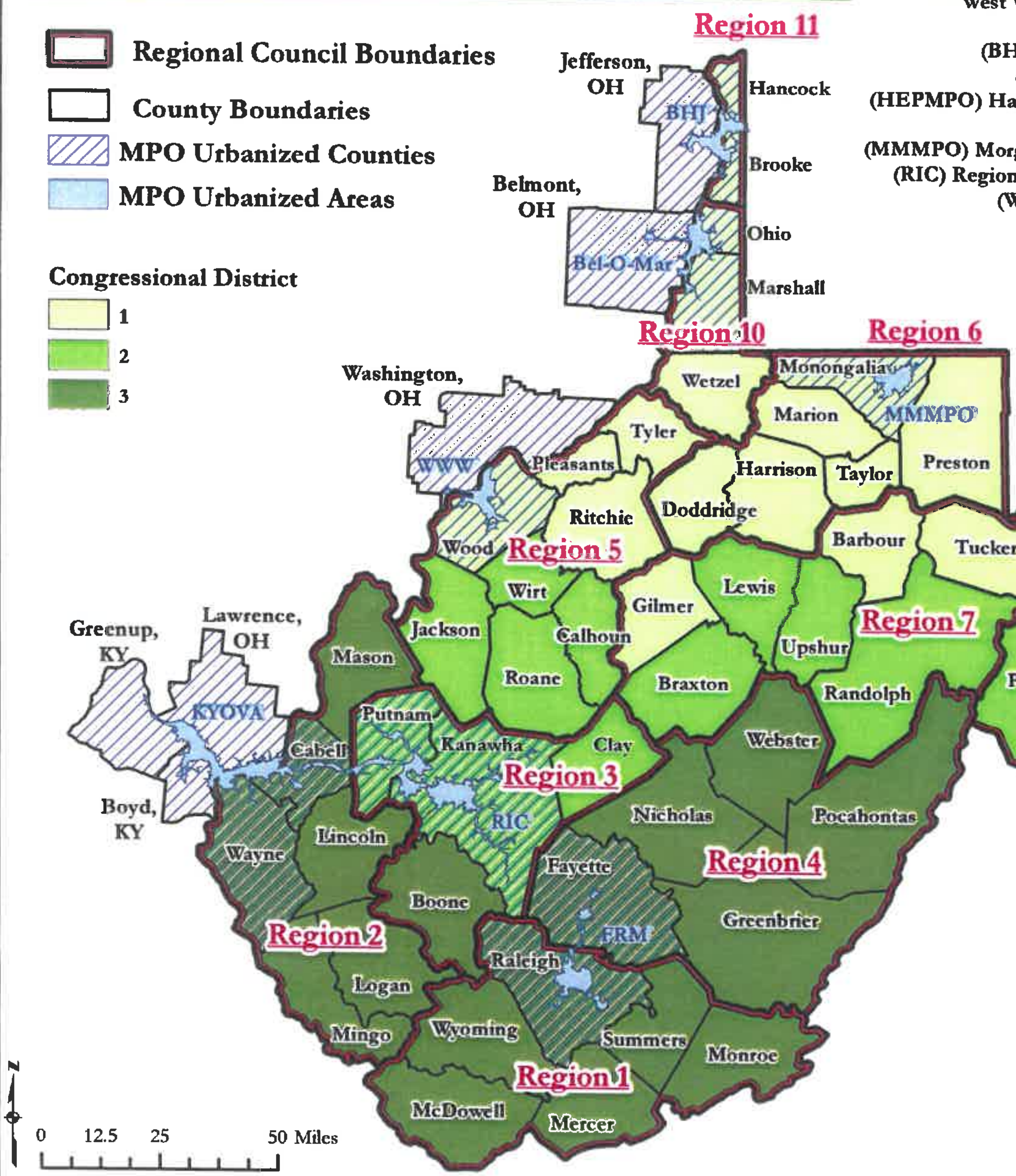
- ☐ By signing below, I certify that the information contained in this application is true and correct, and that I will be required to repay any assistance that may be given based upon any false or fraudulent information contained herein.

Signed: ________________________________

Date: ________________________________

Please anticipate instructions from the utility company for **submitting this form back to the Utility directly** through the U.S. Mail, through email, or their website, if those options are available to the Utility.

West Virginia
Metropolitan Planning Organizations & Regional Planning & Development Councils



Metropolitan Planning Organizations

MPO	Executive Director	Telephone Number	Web Address
West Virginia Association of MPOs	Bill Austin	(304) 291-9571	http://www.wvampo.org/
Bel-O-Mar Regional Council	Scott Hicks	(304) 242-1800	http://www.belomar.org/
(BHJ) Brooke-Hancock-Jefferson	Michael Paprocki	(740) 282-3685	http://www.bhjmpc.org/
(FRM) Fayette/Raleigh MPO	John Tuggle	(304) 872-4970	http://www.frmpo.org/
(HEPMPO) Hagerstown/Eastern Panhandle	Matt Mullenax	(240) 313-2080	http://www.hepmpo.net/
KYOVA Interstate Planning	Chris Chiles	(304) 523-7434	http://www.kyovaipc.org/
(MMMPO) Morgantown/Monongalia County	Bill Austin	(304) 291-9571	http://www.plantogether.org/
(RIC) Regional Intergovernmental Council	Colt Sandoro	(304) 744-4258	http://www.wvregion3.org/
(WWW) Wood Washington Wirt	Carol Jackson	(304) 422-4993	http://www.movrc.org/

WEST VIRGINIA ASSOCIATION OF REGIONAL COUNCILS

Regional Council	Executive Director	Telephone Number	Web Address
Region 1	Jason Roberts	(304) 431-7225	www.regiononepdc.org
Region 2	Chris Chiles	(304) 529-3357	www.region2pdc.org
(RIC) Region 3	Colt Sandoro	(304) 744-4258	www.wvregion3.org
Region 4	John Tuggle	(304) 872-4970	www.reg4wv.org
(Mid Ohio Valley) Region 5	Carol Jackson	(304) 422-4993	www.movrc.org
Region 6	Sheena Hunt	(304) 366-5693	www.regionvi.com
Region 7	Shane Whitehair	(304) 472-6564	www.regionvii.com
Region 8	Terry Lively	(304) 257-2448	www.regioneight.org
Region 9	Bill Clark	(304) 263-1743	www.region9wv.com
(Bel-O-Mar) Region 10	Scott Hicks	(304) 242-1800	www.belomar.org
(BHJ-MPC) Region 11	Michael Paprocki	(304) 797-9666	www.bhjmpc.org

Produced by: Region I Planning & Development Council

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ATTACHMENT D-

WVa PSC Letter (10-9-20)

Public Service Commission of West Virginia

201 Brooks Street, P.O. Box 812
Charleston, West Virginia 25323

Charlotte R. Lane
Chairman

October 9, 2020

West Virginia Utilities:

With the Governor's approval, I am sending a revised version of the CARES Act document titled "Residential Utility Grant Application and Certification."

This should be substituted for the version of that document sent by Governor Justice to West Virginia utilities on October 1, 2020.

Specifically, the revisions define the Eligible Balance for customers as the unpaid amount accumulated for **bill(s) issued** during the Eligible Period of March 1 through July 31, 2020 (rather than "for utility services provided" as stated in the replaced document).

Utilities should use this definition to guide calculations of Eligible Balances sent to customers in the "Residential Utility Grant Application and Certification" document.

The "Residential Utility Grant Application and Certification" document contains a deadline of close-of-business, Thursday, November 12, 2020, for customer submission of the Application to the utility (or Dollar Energy, if applicable).

The utility should complete the information at the top of the "Residential Utility Grant Application and Certification."

The utility also should insert instructions at the bottom of the "Residential Utility Grant Application and Certification" document telling the customer how they should return the Application. For example, stating that the Application should be sent by mail and including the utility's mailing address.

This customer deadline is based on the following schedule. Please note that this schedule is subject to change.

Telephone: (304) 340-0306
CLANE@PSC.STATE.WV.US

On or before, Tuesday, October 20, 2020	Utility sends the Governor's letter and the revised "Residential Utility Grant Application and Certification" to customers.
Thursday, November 12, 2020, close-of-business	Deadline for customer submission of the "Residential Utility Grant Application and Certification" to the utility or Dollar Energy.
Monday, November 30, 2020	Submission of documents by the utility to the grants.wv.gov portal. (See point number 3 of the October 1, 2020 Governor letter to West Virginia Utility Companies.)

Please note that Governor Justice's October 1, 2020 letter to West Virginia Utility Companies, at numbered paragraph 3, describes the information to be submitted in support of each Utility's application for grant funding. All of that documentation and accompanying certification is to be submitted by the Utility electronically through the grants.wv.gov portal.

If you have any questions, please contact Karen Macon, Director, Utilities Division (kmacon@psc.state.wv.us, 304-340-0421) or Dave Acord, Director, Water and Wastewater Division (dacord@psc.state.wv.us, 304-340-0366).

Thank you for your hard work in helping your customers receive the benefit of the CARES Act funds.

Sincerely,

Charlotte R. Lane

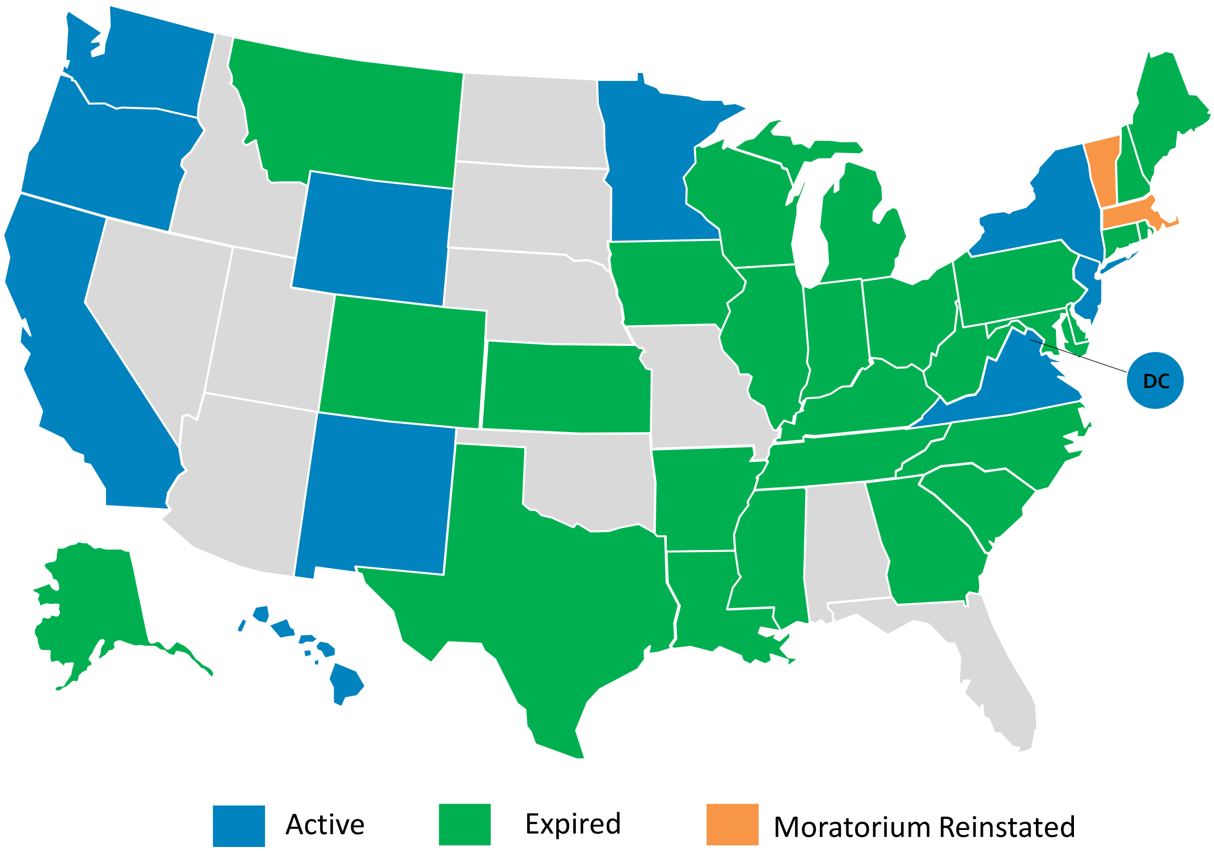
Charlotte R. Lane
Chairman

ATTACHMENT E-

EEI Moratoria Report Updated (5-13-21)

COVID-19-Related Ordered Moratoria by State

UPDATED: May 13, 2021



Overview

As of May 13, 2021, 12 states and the District of Columbia have ordered and active moratoria on the suspension of service disconnections due to non-payment. The ordered moratorium on disconnections has expired in 27 states. There are 3 states marked as expired but have a moratorium in place for qualifying customers: NC, NH, RI. Since our April 2nd update, 2 states (MN and NY) have extended their moratorium.

With the exception of Alaska and New York (legislation), and a handful of states with action through Executive Order, the majority of these orders have been issued by state public service commissions.

This map does not include voluntary moratoriums on service disconnections by EEI members.

For more information, please contact Michelle Zaccagnino at mzaccagnino@eei.org or Shelby Linton-Keddie at slinton@eei.org.

State	Date Ordered/Passed	Docket/EO/Bill No.	Action Overview	Moratorium on Disconnects? Until?	Moratorium on Late Fee Collection? Until?	Required Reconnects?	Repay Instructions?	Additional Links	Additional Notes	Commission extending moratorium beyond executive order?
Alabama								PSC Press Release		
Alaska	15-Apr-20	SB 241	SB 241 implements a moratorium on disconnections of residential customers due to non-payment from the governor's emergency declaration date until November 15, 2020. The bill disallows IOU's from imposing late fees or charging interest for nonpayment for the duration of the emergency, and requires reconnection of customers who were disconnected on or after March 11, 2020 due to non-payment. Finally, the bill requires a minimum timeline for the repayment of charges incurred during the emergency. On April 15, 2020, the RCA voted to open Docket I-20-001 to gather information related to public utilities' actions and compliance with Senate Bill 241 during this COVID-19 pandemic.	YES: November 15, 2020	YES: November 15, 2020	YES: Requires IOU's to make "reasonable effort" to reconnect nonpayment customers whose service was disconnected on or after March 11, 2020 for the duration of the emergency due to COVID-19-related hardship.	YES: Required repayment period of at least the equivalent length of the emergency declaration	Docket I-20-001	RCA COVID Website	
Arizona	12-Mar-20	Docket No. AU-00000A-20-0050	On March 12, 2020 the ACC opened an inquiry into utility preparedness plans to ensure safe and reliable operations during the pandemic. The ACC also asked utilities to temporarily waive disconnections during this time. In September, both APS and TEP issued press releases that they were extending the voluntary moratorium on disconnections until the end of 2020.	Not ordered by ACC; but APS and TEP have voluntarily suspended disconnections through the end of 2020	Not ordered by ACC; but APS and TEP have voluntarily waived late fees	NO	NO	March 12 Letter Opening Docket and Asking Utilities to Suspend Disconnections		
Arkansas	26-Mar-21	Order No. 18	ORDER 1: The Arkansas PSC has ordered the suspension of disconnections due to nonpayment for all customer classes effective of the date of this order until either the governor ends the emergency declaration for COVID-19 or the PSC amends this order. PSC allows for IOU's to track the costs of COVID-19-related operations as well as lost revenue from the prohibition of disconnections. The order also allows parties to request rules for other considerations, such as reconnections, in this docket. On May 27, 2020, ORDER 2 reaffirmed these suspensions until the end of the COVID emergency and formalizes the suspension on the collection of late fees for arrearages. Order No. 15, issued on February 8, 2021, establishes a target date of May 3 for lifting the moratorium on disconnections, protocols for communicating with customers about upcoming disconnections, and more flexible payment plans. On March 26, 2021, the PSC adopted Order No. 18 which lifts the moratorium on disconnections starting May 3, 2021 and requires utilities to offer more flexible payment arrangements.	YES: May 3, 2021	YES: February 28, 2021	NO (Order allows for no-charge reconnections to be considered in this docket at the request of an interested party)	YES: Utilities should offer payment plans with a minimum of 18 months. The ability to enter into a delayed payment arrangement shall expire within 90 days after May 3, 2021, or the date the customer's utility begins disconnections, if later.	Order No. 15	Docket No. 20-012-A	NO
California	11-Feb-21	Resolution M-4849	The California PUC, at the direction of Governor Newsom's emergency declaration, has ordered the suspension of disconnections, the collection of late fees on non-payment customers, requiring payment to reconnect disconnected customers due to non-payment, which applies to residential and small business customers. Requires IOU's to implement repayment options for non-payment residential customers. Specific consumer protection rules implemented were referenced in CPUC decisions D.19-07-015. June 11 decision orders sliding, utility-specific, annual disconnection caps through 2024; institutes an Arrearage Management Payment program that forgives eligible customers' debt in return for monthly on-time utility payments; directs a new stage to develop the Percentage of Income Payment Plan pilot programs that will cap bills at the level the customer can afford to pay; and eliminates all deposits and reconnection fees. At its February 11 meeting, the CPUC voted to extend the moratorium until June 30, 2021.	YES: June 30, 2021	YES: June 30, 2021	YES	YES: (only for residential customers)	Docket No. R1807005	CA PUC COVID Website	
Colorado	4-Nov-20	Executive Order - D 2020 239	This executive order directs the Colorado PUC to work with the state's IOU's to suspend all service disconnections and suspends the accrual or collection of late fees. It also instructs IOU's to waive fees to reconnect non-payment customers. It directs IOU's to implement a payment assistance plan for customers who have encountered COVID-19-related financial hardship. Requires IOU's to report data reflecting the actions taken to assist customers on a weekly basis to PUC. The moratorium on disconnections expired on June 12, 2020. EO D 2020 239 extends the waiving of late fees and more flexible payment options by 30 days from November 4.	YES: June 12, 2020	YES: December 4, 2020	YES	YES: Directs companies to provide additional financial assistance	Expiration of Disconnection Moratorium		

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Connecticut	30-Oct-20	News Article About the October 30 Hearing	The Public Utilities Regulatory Authority has granted an emergency moratorium on electric service disconnections in response to the coronavirus pandemic for residential customers. PURA provides no specific instruction in terms of late fee collection, reconnection, or repayment instructions for non-payment customers. Requires PURA review of moratorium every 30 days. IOU's are allowed to petition for exemption in docket no. 20-03-15. On Sept. 2, 2020, in response to a motion, PURA extended the moratorium for non-hardship customers, prohibited the disconnection of any residential customer through Oct 31 without proper communication, and an investigation into utilities communication with customers as required through various orders. At an October 30th meeting, PURA denied Eversource's request to extend the shut-off moratorium for residential customers. Winter disconnection moratorium begins November 1st and expires May 2021.	YES: Oct. 1 for residential customers; and confirmed that non-residential moratorium will not be extended beyond Aug. 1, 2020	NO	NO	YES: Extends the enrollment period for COVID Payment Program for residential and non-residential customers until November 1, 2020	Docket No. 20-03-15	Motion for Extension of COVID-19 Residential Shut-off Moratorium	
Delaware	3-Sep-20	Twenty-Seventh Modification of the Declaration of the State of Emergency	On March 24, 2020, Governor Carney issued a sixth modification to the state's Declaration of a State of Emergency prohibiting utilities from terminating service or charging late fees to residential customers. On September 3, 2020, the Gov. issued a modification striking the prior provisions and lifting the moratorium.	YES: September 3, 2020	YES: September 3, 2020	NO	YES: Starting July 1, 2020 every utility must extend a 4-month payment plan for past due accounts with no deposit required.	Docket No. 20-0286	Sixth Extension of the Declaration of a State of Emergency	
District of Columbia	3-Mar-21	Order No. 20707	DC Council passed legislation codifying moratorium on disconnections. Disconnects cannot take place until 15 days after the emergency declaration by the Mayor is lifted. On May 19, 2020, DC Council passed additional legislation requiring electric companies to: (i)make payment plans available to eligible customers with a minimum term of one year, unless the customer requests a shorter term; (ii) waive any fee or penalty arising from the payment plan; (iii) not report to a credit agency that the customer's account is delinquent; and (iv) notify all customers of the payment plan's availability. PSC opened a new docket to examine the merits of OPC's petition and examine the impact of COVID on electric companies and customers. On December 18, 2020, Mayor Bowser extended the emergency order until March 31, 2021 (EO 2020-127). In it's March 3, 2021 order, the PSC increased the disconnection notice to 45 days and temporarily increased the elgible participant income thresholds for discount programs from 60% - 75% of state median income level.	YES: At least until 45 days after end of emergency	YES	NO	YES: Make plans available to eligible customers with a minimum term of 1 year	Docket No. FC1164		
Florida	6-Oct-20	Oct. 1 Staff Recommendation	On Sept. 22, 2020, the League of United Latin American Citizens of Florida filed a petition requesting the PSC initiate an emergency rulemaking to prevent the disconnection of electric service for certain customers for at least 90 days. PSC staff believes the emergency declaration is not necessary and could result in unintended, detrimental consequences to customers. At the October 6, meeting the PSC denied the petition requesting an emergency rulemaking.					20200219	Oct. 6 Conference Agenda	
Georgia	2-Jun-20	Docket No. 42516	The Georgia PSC has been working with Georgia Power to suspend the disconnection of service for non-payment or collection of late fees on non-payment customers of all classes. The decision also allows for cost-recovery mechanism for Georgia Power to collect lost revenue from COVID-19, but does not address customer repayment at this time. Georgia Power was also instructed to facilitate refunds to customers resulting from the 2019 sharing mechanism in 2020. The Commission and Georgia Power are collaborating on establishing a methodology for identifying incremental charge-offs.	YES: July 14, 2020	YES: July 14, 2020	NO	NO	Order on COVID-19 Costs: Document 180678	June 2, 2020 Order Extending Disconnection	
Hawaii	13-Mar-21	Order No. 37667	On May 4, 2020, at the direction of the office of consumer advocate, the Hawaii ordered the suspension of service disconnection due to non-payment for all customers for the duration of the COVID-19 emergency. The order also suspends the collection of late fees and encourages utilities to provide flexible payment options for non-payment customers, but does not include a specific time frame for those options to be available. On March 13, 2021, the PUC issued an order extending the moratorium until May 31, 2021, requires utilities to offer customers 60 days past due a payment plan, prohibits the charging of late fees, and retroactively waive late fees collected from March 5, 2020 through May 31, 2021.	YES: May 31, 2021	YES: May 31, 2021	NO	YES: Requires the development of payment plans for customers 60 days past due	Docket No. 2020-0209	Link to PUC COVID Site	
Idaho										
Illinois	18-Mar-21	Order on Reopening	On March 18, 2021, the ICC approved a stipulation that allows utilities to send disconnection notices on a staggered schedule starting April 1, 2021, requires reconnection of certain customers, deferred payment arrangements, and waiving of late fees for income qualified customers.	YES: Voluntarily extended until March 31, 2021 (mandated moratorium expired July 26)	YES: Voluntarily extended until March 31, 2021 (mandated moratorium expired July 26)	YES: Customers with incomes of 300% or less of the federal poverty line based upon 25% payment of the outstanding balance	YES: Flexible payments for up to 18 months (non-financial hardship customers) and 24 months (financial hardship customers); can require down payment up to 10%	Docket No. 20-0309	Press Release Requesting Utilities to Extend Moratorium on Residential Disconnections through Winter 2021	

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Indiana	12-Aug-20	**August 12th Order**	This executive order 20-05 prohibits the disconnection of service of all customers during the ongoing emergency. No specific instructions regarding late fee collection, reconnection, or repayments. The Commission opened a docket to consider and address the impacts of COVID-19 on the rates and provision of utility services by all jurisdictional Indiana utilities and on their ratepayers. In Phase 1, the Commission requests information from all parties regarding disconnections, utility fees, and customer payment arrangements, as well as regulatory accounting. The Phase 2 procedural schedule will be established after consideration of the Phase 1 issues and includes several requests for information; and also includes a request that jurisdictional Indiana utilities intending to participate in the proceeding and request rate relief provide additional information in monthly reports beginning from May 27, 2020. A new order was issued on June 29 extending the moratorium an additional 45 days. On August 10, 2020, Citizens Action Coalition of Indiana, Inc., Indiana Community Action Association, and Sierra Club, petitioned the Commission to extend indefinitely the prohibition on utility service disconnections, along with the collection of certain utility fees (i.e., late fees, convenience fees, deposits, and reconnection fees), until evidence and data supports these consumer protections are no longer needed. In its August 12th order, the Commission extended the moratorium on late fees but declined to extend the disconnection moratorium for concern that customers may not enter into a payment arrangement until they face actual disconnection.	YES: August 14, 2020	YES: October 12, 2020	NO	YES: Must offer a 6-month minimum term, through Oct. 12. However, utilities are encouraged to offer payment plans with greater pay back periods	**Cause No. 45380**	**EO: 20-05**	YES
Iowa	20-May-20	**Docket No. SPU-2020-0003**	The Iowa Board of Utilities updated their March 13, and subsequent March 27 orders which extended the winter moratorium on service disconnection of winter moratorium-eligible customers until May 27, 2020. The new order instructs IOU's to suspend disconnections until the governor lifts the state of emergency in Iowa. On May 20, 2020, the IBU updated their March 27 order and prescribed terms for repayment, which instruct IOU's to allow at least one year for eligible customers.	YES: July 1, 2020	NO	NO: No specific reconnect language in the order, however, the May 1 Order notes that utilities can keep track of residential reconnection numbers for future assessment	YES: Utilities must offer repayment options to eligible customers for at least one year.	**ORDER PHASING IN DISCONNECTION OF UTILITY SERVICE AND MODIFYING MARCH 27, 2020 ORDER**	**Disconnection Timeline**	
Kansas	21-May-20	**Docket No. 20-GIMX-393-MIS**	The Kansas Corporation Commission has extended their order to suspend the disconnection of electricity to non-payment small commercial and residential customers until May 31, 2020. The Commission reserves the authority to extend this suspension if needed after that. In their May 21, 2020 order, the Commission adopted rules requiring repayment plans be available for 12 months and prohibits the collection of late fees for any balance in arrears from the COVID emergency. On January 7, 2021, Staff recommended that the Commission not reinstate a statewide moratorium on utility disconnections at this time. Evergy has voluntarily suspended disconnections as this time.	YES: May 31, 2020	YES: Prohibits the collection of late fees of any small commercial or residential customer unable to make payments during COVID emergency.	NO	YES: Payment plan of up to 12-months to pay off any delinquent account balances	**January 7 - Staff Report and Recommendation**		
Kentucky	19-Oct-20	**October 19 Executive Order**	The Kentucky PSC has ordered the suspension of disconnections for non-payment or the collection of late fees from non-payment customers until further notice by the PSC. The PSC's September 21 order extends the late fee moratorium and establishes parameters for utility repayment plans. The Governor's October 19 Executive Order lifts the moratorium on November 6, 2020, extends the late fee moratorium until December 31, 2020, and establishes parameters for utility repayment plans (similar to those outlined in the PSC's order).	YES: November 6, 2020	YES: December 31, 2020	NO	YES: Default plans for all affected customers with terms no less than 6 months and no more than 2 years for customers who have accumulated arrears between March 16, 2020 - October 1, 2020	**Docket No. 2020-00085**		
Louisiana	1-Jul-20	**Special Order 43-2020**	Louisiana Public Service Commission issued an executive order requiring all IOU's to suspend the disconnection of electric service for non-payment until further notice by the PSC. On July 1, 2020, the PSC issued Special Order 43-2020, which lifts the moratorium on disconnections after July 16th. Special Order 44-2020 allows for the commencement of late payment fees and provides guidelines for notifying customers about their repayment options.	YES: July 16, 2020	YES: July 16, 2020	NO	YES: Utilities must offer payment plans for up to 12 months	**Special Order 44-2020**	Cleco announced it is delaying late fees and disconnection services until September 1, 2020.	NO

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Maine	17-Sep-20	September 17 Order	The Maine PUC as ordered all directs that all electric transmission and distribution utilities to not engage in any disconnection activity for all customer classes until further notice. CMP has reported it has voluntarily suspended the collection of late fees and reconnection fees. On Sept. 2, 2020, the Commission issued a draft order for comment ending the emergency moratorium on Nov 1, 2020 and transitioning to the winter-disconnection process. The draft order also requires utilities to contact customers at least 30 days prior to disconnection and waive late fees for customer who enter into payment plans. On September 17, 2020, the Commission issued a final order ending the emergency order on November 1 and transitioning to winter disconnection rules (which run from Nov. 15 to April 15), which prohibit distribution companies from disconnecting customers without Commission approval and must give residential customers a 30-day disconnection notice. The order also requires a waiver of late payment fees for customers who enter into payment arrangements by December 31, 2020.	YES: November 1, 2020	YES: December 31, 2020	NO	NO	Docket No. 2020-00081	Commission opened a proceeding (2020-00159) to investigate the possible suspension of CMP's revenue decoupling mechanism	
Maryland	31-Aug-20	Press Release Extending Moratorium	Governor Hogan has an Executive Order prohibiting the suspension of residential electric service or the charging of late fees on non-payment customers for duration of the declared emergency - will be revisited. On August 31, 2020, the PSC issued an emergency order prohibiting the disconnection of customers until November 15, 2020.	YES: November 15, 2020	YES: November 15, 2020	NO	YES: Must offer a minimum payment plan of 12 months. Cannot require a down payment or deposit.	PC53	Link to PUC COVID Site	
Massachusetts	26-Feb-21	Chairman's Eighth Set of Orders	At the direction Governor Baker, Massachusetts Department of Public Utilities Chairman Matthew Nelson ordered the states IOU's to suspend the disconnection of electric service for non-payment for the duration of the state of emergency or otherwise directed but the DPU. No specific mention of moratorium on late fees, reconnection, or repayment plans at this time. On February 26, 2021, Chairman Nelson issued his 8th set of orders requiring utilities to extend the disconnection moratorium until July 1, 2021.	YES: July 1, 2021 (Residential)	YES: 6 months after state of emergency is lifted (C&I)	NO	YES: Repayment plans should be offered for up to 12 months	Docket No. 20-58	Mass.gov COVID FAQs	
Michigan	15-Apr-20	Docket No. U-20757	The Michigan PSC has ordered the suspension of disconnections for low-income and senior customers through June 1, 2020 and waive late fees for eligible low-income customers receiving energy assistance. The order also requires service reconnection of qualifying customers and encourages repayment flexibility from electric companies. Reply comments were due April 30, 2020 from utilities. As of June 30, 2020, no official moratorium extension has been ordered.	YES: June 1, 2020 (for qualifying low-income and senior customers)	YES: June 1, 2020 (for qualifying low-income and senior customers)	YES: (for qualifying low-income and customers)	YES: encourages repayment flexibility from electric companies	ORDER 1		
Minnesota	5-May-21	Notice of Transition Plan Completeness	On March 25, 2020, the MN PUC authored a letter to the electric companies in the state issuing instructions for a voluntary moratorium on service disconnections due to non-payment for the duration of the COVID-19 emergency. The letter also encourages reconnections, suspends the collection of late fees, and requests that electric companies provide payment options to customers who need it. The electric companies are requested to file compliance data in Docket E,G999/M-20-375. Once the peacetime emergency expires, the PUC will direct regulated utilities to provide the Commission with 60 days' notice after the end of the peacetime emergency before resuming residential disconnections, negative credit reporting, or the imposition of the fees, interest, and penalties discussed above. Per a PUC Notice, utilities' amended transition plans have been completed. Disconnections will resume on August 2, 2021.	YES: Augst 2, 2021	YES	YES	YES	Docket No. 20-375	MN.gov COVID Site	
Mississippi	12-May-20	Docket No. 2018-AD-141	The Mississippi Public Service Commission voted to temporarily suspend disconnections of electric power service until May 26, 2020. Allows the state's IOU's to defer any costs, including any incremental bad debt expenses and all associated credit and collection costs, related to connections, reconnections, or disconnections for all customers classes.	YES: May 26, 2020	NO	NO	NO	ORDER AUTHORIZING UTILITY RESPONSE AND ACCOUNTING FOR COVID-19	Order Extending Moratorium	
Missouri	7-Dec-20	Motion for an Emergency Order and Request for Expedited Treatment	On December 7, 2020, the Consumers Council of Missouri submitted a motion for an emergency order requesting the PSC issue a temporary moratorium on disconnections until at least March 31, 2021 and prohibits the charging of fees for non-payment. The Consumer's Council requests the PSC issue an emergency order no later than December 16, 2021.					AO-2021-0164		

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Montana	19-May-20	Directive implementing Executive Orders 2-2020 and 3-2020 and establishing conditions for Phase Two	On March 30, 2020, in light of two preceding executive orders, the governor's office issued an order stating that no business or political subdivision of the State supplying electricity, gas, sewage disposal, water, telephone, or internet services for use, in whole or in part, in a dwelling unit or residence shall terminate that service. And that no fee or charge for late or untimely payment that becomes due after this Directive takes effect may be billed or collected for the "duration of the order." A May 19, 2020, directive extended moratorium until May 24, 2020; however, customers who seek protection from disconnections after June 1 must provide proof of hardship.	YES: May 24, 2020	YES: May 24, 2020	NO	NO	Executive Order No 2-2020		
Nebraska										
Nevada										
New Hampshire	5-Oct-20	October Secretarial Letter	Governor Sununu's Emergency Order #3: Pursuant to EO 2020-04 suspends the disconnection of electric due to non-payment for the duration of the emergency. It also disallows the collection of late fees during the emergency and requires IOU's to allow repayment over at least 6 months from the end of the emergency. On June 4, 2020, the PUC initiated a docket to investigate the impacts of COVID on utility operations, collections, revenues, finances, accounting, customer assistance measures, and ratemaking impacts. On October 5, 2020, the PUC approved an agreement between staff and utilities that resumes disconnections for residential customers on October 13, 2020 and commercial customers on September 15, 2020. No disconnect notices shall be sent to financial hardship customers until at least April 1, 2021.	YES: October 13, 2020 (residential); April 1, 2021 (residential financial hardship); September 15, 2020 (commercial)	YES: March 31, 2021	NO	YES: requires payment options to be at least 12-months for residential and commercial customers and up to 24-months for hardship customers	September Staff Agreement	IR 20-089	
New Jersey	3-Mar-21	Executive Order No. 229	As part of Governor Murphy's state of emergency declaration, New Jersey's IOU's were encouraged to suspend disconnections due to non-payment until further notice. On March 13, 2020, the NJ PSC announced that the state's public electric and gas utilities have universally agreed to suspend service shutoffs given the statewide public health emergency and the effort currently underway in response to the COVID-19 pandemic. Customers are encouraged to reach out to their respective IOU's if they are having difficulty paying their electric bills. On October 2, 2020, Rate Counsel petitioned the BPU to issue an order opening an investigation to determine the number of customers in arrears, amounts owned, and the scope of COVID uncollectibles issues; extend the voluntary moratorium on shutoff through April 1, 2021; reconnect all customers disconnected for non-payment since March 15; order utilities to waive fees and deposits; continue the extended terms of payment plans for 180 days after the moratorium expires; etc. On March 3rd, Gov. Murphy issued EO 229 extending the moratorium on disconnections and collection of late fees.	YES: June 30, 2021	YES: June 30, 2021	YES	NO	October 2 Rate Counsel Petition	Docket No. EO20030254	
New Mexico	17-Mar-21	Order Clarifying the February 3 Order	On March 19, 2020, the New Mexico PSC issued an order that disconnections for non-payment issued on or after March 11, 2020 (the effective date of the Emergency Executive Orders) are suspended for the duration of the effectiveness of the Emergency Executive Orders. Late fees related to these bill payments shall be waived. There are no specific mentioned of reconnection policies or repayment instructions at this time. On March 17, 2021 the PRC issued an order clarifying the February 3 Order. Large utilities (more than 100,000 meters) are prohibited from disconnecting customers prior to August 12, 2021.	YES: August 12, 2021	YES: August 12, 2021	NO	NO	Case Nos. 20-00069-UT and 20-00205-UT	May 5th Clarifying Order	
New York	11-May-21	Enacted Legislation S01453	In response to Governor Andrew M. Cuomo's directive, the New York State Department of Public Service announced that it would immediately work with utilities across the State to ensure any customers affected by COVID-19 restrictions they will not lose power or heat due to financial hardship. On May 11, 2021, the state legislature passed S01453, extending the moratorium on disconnections until 180 days after the state of emergency is lifted or December 31, 2021, whichever is later.	YES: 180 after emergency order is lifted (or December 31, 2021)	NO: ConEd has voluntarily suspended the accrual or collection of late fees due to financial hardship during the COVID emergency	NO	NO: IOU's have pledged payment flexibility for affected customers	20-M-0266	Moratorium on Utility and Municipal Shutoffs Site	

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North Carolina	31-Mar-21	Duke Energy Letter to NCUC	Governor Cooper's Executive Order No. 124 prohibits the disconnection of service of residential customers for non-payment. The EO also prohibits the collection of late fees on non-payment residential customers for the duration of the emergency. It requires a repayment period of at least 6 months from the suspension of the emergency declaration. Finally, it requires the no-fee reconnection of non-payment customers. The corresponding NCUC docket relating to this order is Docket M-100 Sub 158; see additional links. In a February 23 order, the PUC expanded the criteria for customers eligible for a winter disconnection moratorium to include any household that is eligible to receive assistance. The order also requires opt-out payment plans with 18-month terms and on-premise notices. On March 30, the AG wrote a letter asking the PUC to extend the moratorium for qualifying customers until June 30, 2021. On March 31, 2021, Duke Energy informed the NCUC that they would be voluntarily extending protection against disconnection for non-payment for qualifying customers until June 30, 2021. Duke Energy will also proactively reach out to customers to get them to enroll in 18-month payment arrangements before June 30th.	YES: June 30, 2021 (for qualifying customers)	YES: Through the end of the state of emergency or until further order of the Commission	YES	YES: requires payment options to be available for at least 6 months after emergency has ended	M-100 Sub 158		
North Dakota										
Ohio	12-Mar-20	Docket No. 20-591-AU-UNC	On March 13, 2020, PUCO ordered that the Commission's winter reconnection order in Case No. 19-1472-GE-UNC be extended through May 1, 2020 to allow for additional time for companies to review their disconnection/reconnection policies. Commission ordered that the state's IOU's review their disconnection and reconnection policy, but have not ordered new rules.	NO: Voluntary disconnections will resume September 2020	NO: Voluntary disconnections will resume September 2020	YES: In accordance with winter reconnections until May 1, 2020 (as of June 30, no new information publicly available)	NO	Entry ordering that Commission's winter reconnection order be extended		
Oklahoma	16-Mar-20	PUD-202000050	On March 13, 2020, the Commission issued a call to electric companies to voluntarily enact a temporary moratorium on residential disconnects.	Voluntary moratoriums imposed by electric companies were lifted in July 2020.	NO	NO	NO			
Oregon	24-Feb-21	Order Extending Moratorium	At it's February 23 meeting, the PUC extended the moratorium on disconnections until June 30, 2021. Per the terms of a Nov. 3, 2020, Settlement, the moratoirum was to expire on April 1, 2021. However, the Commission's most recent order extends the moratorium until June 30, 2021.	YES: June 30, 2021	YES: June 30, 2021			Feb. 25th Press Release Extending Moratorium	UM 2114	
Pennsylvania	18-Mar-21	Order Lifting Moratorium	PA PUC issued an Emergency Order prohibiting termination service during the pendency of the Proclamation of Disaster Emergency, unless to ameliorate a safety emergency, or unless otherwise determined by the Commission. On March 18, 2021, the PUC issued a final order lifting the moratorium and resuming normal disconnection practices on April 1, 2021. Extended payment arrangement plans must be offered until December 31, 2021.	YES: March 31, 2021	YES: TBD	NO	YES: A range of minimums from 18-month terms for small business customers to a minimum of 5 years for qualifying income customers (below 250% of fpl)	Amendment to Proclamation of Disaster Emergency	M-2020-3019244	NO
Rhode Island	19-Mar-21	PUC Press Release on March 19th Order	The Rhode Island PUC ordered that effective on March 16, 2020, all electric utilities shall immediately cease certain collections activities including termination of service for nonpayment. Allows for reconnection of qualified customers after meeting specified payment requirements. The Commission extended the moratorium on March 19, 2021. Qualifying customers are not eligible for service terminations until June 25, 2021	YES: June 25, 2021 ("protected status" customers)	YES: Will be reviewed in September 2020	YES: Qualifying customers are eligible for reconnection	YES: National Grid must offer payment terms up to 36 months	Docket 5022 -- PUC Emergency Order	Docket No. 5022	
South Carolina	14-May-20	Docket No. 2020-106-A	A letter from Governor McMaster encouraged the South Carolina Public Service Commission to adopt rules suspending disconnection during the COVID-19 state of emergency. On March 16, 2020 the PSC ordered IOU's to suspend disconnections and waived requirements for reconnection and late fees. On May 7, 2020, the SC PSC ordered rules imposing a 6-month minimum repayment period. May 14, 2020 the Commission approved (Order 2020-374) a motion by Staff to vacate moratorium on disconnections.	YES: May 14, 2020; voluntary moratoria implemented by Dominion (Sept) and Duke (Oct)	YES: May 14, 2020; voluntary moratoria implemented by Dominion (Sept) and Duke (Oct)	YES: Waived reconnection fees	YES: At least 6 months after the end of state of emergency	Disconnection Moratorium Order	ORDER NO. 2020-344	
South Dakota										

State	Date Ordered/Passed	Docket/EO/Bill No.	Action Overview	Moratorium on Disconnects? Until?	Moratorium on Late Fee Collection? Until?	Required Reconnects?	Repay Instructions?	Additional Links	Additional Notes	Commission extending moratorium beyond executive order?
Tennessee	10-Aug-20	Press Release Lifting Service Disconnection Motion	On March 31, 2020, the Tennessee Public Utility Commission ordered that IOU's within it's jurisdiction suspend service disconnections for non-payment until the end of the declared state of emergency. After the suspension of the emergency, the TN PUC will reconsider their recommendations pertaining to these moratoria. The order also instructs IOU's to suspend the accrual or collection of late fees, requires reconnection, and repayment programs to be implemented for all customers impacted by COVID-19. On August 10, 2020, the TPUC adopted a motion lifting the moratorium on August 29, 2020.	YES: August 29, 2020	YES: August 29, 2020	YES: those disconnected on or after March 12, 2020.	YES: Urges flexibility for repayment	Docket No. 2000047	ORDER REQUIRING ALL JURISDICTIONAL UTILITIES TO SUSPEND ACTIONS TO DISCONNECT SERVICE FOR LACK OF PAYMENT DURING THE STATE OF PUBLIC HEALTH EMERGENCY	
Texas	13-Aug-20	News Article About the Extension	On May 14, 2020, the Public Service Commission of Texas amended specific actions affecting the IOU's within its jurisdiction. These changes include a moratorium on suspending service disconnections for non-payment, suspend the collection of late fees, and instructs vertically-integrated IOU's operating outside of ERCOT to offer flexible payment plans for non-payment customers. Inside ERCOT, retail electric providers must offer a deferred payment plan to any residential customer who requests one, regardless of their previous payment history. REPs must suspend electricity disconnections for residential customers who have been added to the state's unemployment and low income list due to the effects of COVID-19. On August 13, 2020, during an open meeting, the PUCT extended the moratorium until September 30, 2020.	YES: September 30, 2020	YES: September 30, 2020	NO	YES: Urges flexibility for repayment	Docket No. 50664		
Utah										
Vermont	29-Mar-21	March 29 Order Extending Moratorium	The Vermont PUC ordered a moratorium on service disconnections due to non-payment beginning on March 18. There is no particular instruction regarding the collection of late fees, reconnections, or repayment instructions as of yet, but several of interested parties has addressed these future topics in their comments. On October 8, 2020, the PUC issued an order lifting the moratorium after October 15, 2020 in order to encourage customers who have fallen behind on their utility bills to apply for assistance and contact their utilities. On March 29, 2021, the PUC extended the moratorium on disconnections until May 31, 2021.	YES: May 31, 2021	NO	NO	NO	Docket No. 20-0703-PET		
Virginia	18-Nov-20	HB5005	The Virginia SCC ordered the suspension of disconnection of service for both residential and small business customers due to non-payment until August 31, 2020. The SCC also suspends the collection of late fees, encourages payment flexibility (up to 12-month terms) and reconnection. As part of the state's recently enacted 2021 budget, a prohibition of utility disconnections was included. The moratorium will expire until Gov. Northam determines that the economic and public health conditions have improved, or until at least 60 days after the declared state of emergency ends, whichever is sooner.	YES: Indefinitely	YES: Indefinitely	YES: Instructs utilities to work with customers seeking to reconnect	YES: Urges flexibility for repayment and offer extended payment plans of up to 12 months	Docket No. PUR-2020-00048		
Washington	18-Feb-21	Order No. 2 Extending Disconnection Moratorium	Om March 18, 2020 Gov. Inslee issued Proclamation 20-23 suspending statutes and prohibiting certain activities related to utility services. The UTC held a public meeting on October 6 approving a moratorium on disconnections until April 30, 2021 and waiving late fees and deposits through October 27, 2021. On February 18, 2021, the UTC extended the moratorium on disconnections until July 31, 2021. However, utilities may resume disconnection notice activities 60 days prior to that date.	YES: July 31, 2021	YES: January 27, 2022	YES		Docket No. U-200281		
West Virginia	18-Jun-20	General Order No. 262.5	In an message to the state's IOU's, the West Virginia Public Service Commission, effective immediately and until further notice, is urging all utilities to suspend utility service terminations except where necessary as a matter of safety or where requested by the customer. June 17, 2020 Order lifts moratorium on disconnections and late fees after July 1, 2020.	YES: July 1, 2020	YES: July 1, 2020	NO	YES: Commission termination rules require that utilities negotiate reasonable deferred payment plans with customers who have significant past-due balances.	June 17 Order Lifting Moratorium		
Wisconsin	5-Apr-21	Fourth Supplemental Order on Residential Disconnection	The Public Service Commission of Wisconsin (PSC) directed IOU's to cease disconnecting residential service for nonpayment until the state public health emergency has been lifted. Additionally, the PSC instructs IOU's to make reasonable attempts to reconnect service to an occupied dwelling that has been disconnected. The PSC also orders the suspension of late fees on non-payment customers and instructs IOU's to offer flexible repayment options. In an April 5th order, the PSC did not extend the disconnection moratorium or the waiving of late fees.	YES: April 15, 2021	YES: April 15, 2021	YES	YES: Urges flexibility for repayment	Docket No. 5-UI-120	6/26/2020 - Supplemental Order	YES; Public Health and Safer at Home orders were lifted in mid-May
Wyoming	26-Mar-20	Wyoming PSC Order Suspending Certain Regulations	The Wyoming PSC has ordered all IOU's to suspend discontinuation of service, imposition of late fees, and similar tariffs, rules, regulations and terms of service for the purpose of mitigating the impact on customers of the public health emergency related to the COVID-19 virus until the order herein is amended.	YES: Until superseded by subsequent order	YES: Until superseded by subsequent order	NO	NO	Docket No. 90000-151-XO-20 (Record No. 15474)		

ATTACHMENT F-

Maryland PSC Order (5-12-21)

ML 235244

ORDER NO. 89816

Impacts of Covid-19 Pandemic on Maryland's Gas and Electric Utility Operations and Customer Experiences	* * * * * * *	BEFORE THE PUBLIC SERVICE COMMISSION OF MARYLAND PC53

Issue Date: May 12, 2021

ORDER DIRECTING UTILITIES TO PROVIDE UPDATED DATA ON RESIDENTIAL CUSTOMER ARREARAGES

1. On February 15, 2021, the Maryland General Assembly passed and Governor Lawrence Hogan, Jr. signed into law the RELIEF Act. On February 24, 2021, the Commission issued Order No. 89745 (the "Order") to gather data for Maryland Utilities ("Utilities" includes investor-owned, municipal, and cooperative electric and gas utilities) to assist the Commission in allocating approximately $83 million in utility arrearage relief. On April 9, 2021, the Commission received data from 20 utilities. On April 15, 2021, the Commission issued a Notice of Virtual Hearing requesting comments from interested parties and providing for a legislative-style hearing on May 12, 2021.

2. As stated at the hearing on May 12, 2021, the Office of Home Energy Programs ("OHEP") intends to provide approximately $19.4 million in supplemental arrearage payments to current Fiscal Year 2021 energy assistance recipients. The expected date of payment is May 19, 2021. Based on that information, the Commission hereby directs all

Maryland Utilities to provide updated responses to its February 24, 2021 Order. The timeline to provide updated responses and review data submissions is as follows:

3. By May 24, 2021, all Maryland Utilities shall provide updated data, accurate as of May 20, 2021, for the number of active accounts with unpaid arrearages and the total dollar amounts of unpaid arrearages for residential customers that received or were qualified for OHEP benefits at any time subsequent to February 15, 2017. These should be provided as total amounts. Data should be net of any payments made by OHEP as of May 20, 2021.

4. By May 24, 2021, all Maryland Utilities shall provide updated data, accurate as of April 30, 2021, for the number of active accounts with unpaid arrearages and the total dollar amounts of unpaid arrearages for residential customers that were special needs customers (as defined in footnote 4 of the February 24, 2021 Order) within the last 12 months. These should be provided as total amounts.

5. By May 24, 2021, all Maryland Utilities shall provide updated data, accurate as of April 30, 2021, for the number of active accounts with unpaid arrearages and the total dollar amounts of unpaid arrearages for residential customers not including OHEP recipients since February 15, 2017 and not including customers reported as "special needs customers." These should be provided as total amounts.

6. By May 27, 2021, the Staff of the Public Service Commission ("Staff") shall compile the updated data and circulate a document showing the total amounts for each category for each Utility.

7. By June 1, 2021, all Maryland Utilities shall respond to the Staff compilation confirming that their numbers are accurate or identifying any concerns or inconsistencies in the data.

IT IS SO ORDERED, this 12th day of May, in the year of Two Thousand Twenty One, by the Public Service Commission of Maryland**.**

/s/ Jason M. Stanek

/s/ Michael T. Richard

/s/ Anthony J. O'Donnell

/s/ Odogwu Obi Linton

/s/ Mindy L. Herman
Commissioners

In the Matter of the New Jersey Board of Public Utilities' Response to The COVID-19 Pandemic
BPU Dkt. No. AO20060471 (and BPU Docket No. EO20100629U)

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