

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of

Response to the COVID-19 Pandemic

DOCKET U-200281

PUBLIC COUNSEL'S PETITION
FOR RECONSIDERATION (WAC
480-07-850) AND PETITION FOR
STAY (WAC 480-07-860)

- I.* On May 18, 2021, the Washington Utilities and Transportation Commission (“UTC” or “Commission”) entered Order 03 in the above-captioned docket memorializing decisions made at the Commission’s May 12, 2021, Recessed Open Meeting.¹ Pursuant to WAC 480-07-850, the Public Counsel Unit of the Washington Attorney General’s Office (“Public Counsel”) respectfully requests the Commission reconsider its decision in Order 03. Order 03 is flawed because it perpetuates social and economic inequities despite evidence demonstrating those inequities. Furthermore, there was insufficient evidence offered to demonstrate that resuming disconnections for non-payment on August 1, 2021, is in the public interest. Specifically, Public Counsel requests that the Commission reconsider its decisions to (1) allow the moratorium on utility disconnections for nonpayment to expire on July 31, 2021,² and (2) allow the Joint Utilities³ to resume disconnection notice activities 30 days prior to the Resumption Date.⁴

¹ Order 03, Related to the Suspension of Disconnection of Energy Services for Nonpayment and Adopting Related Requirements (May 18, 2021).

² Order 03, ¶ 37.

³ “Utilities” refers collectively to Puget Sound Energy, Avista Utilities, Pacific Power and Light, Cascade Natural Gas, and NW Natural Gas.

⁴ *Id.*

2. Under WAC 480-07-850(3), the Commission may modify Order 03 upon granting Public Counsel’s Petition for Reconsideration. Thus, Public Counsel requests the Commission modify Order 03 to extend the disconnection moratorium for 60 days, setting a new expiration date of September 30, 2021.⁵ The Commission should continue to evaluate whether the moratorium should be lifted, rather than allowing the moratorium to automatically expire. Additionally, Public Counsel requests the Commission modify Order 03 to prohibit the Utilities from engaging in collection activities, including issuing disconnection notices, before the end of the disconnection moratorium.⁶
3. Public Counsel further respectfully requests that the Commission stay the effect of its decision in Order 03 to allow Joint Utilities to resume disconnection notice activities 30 days prior to the disconnection moratorium expiring. The Commission should stay the effect of this decision pending resolution of Public Counsel’s Petition for Reconsideration.

I. SUBSTANTIAL EVIDENCE OF DISPARATE IMPACT AND THE NEED FOR ADDITIONAL TIME CLEARLY DEMONSTRATES THAT THE COMMISSION’S DECISION IS UNSUPPORTED BY THE FACTS

4. The Commission stated it would assess the July 31, 2021, disconnection moratorium expiration date based on available health and economic data as well as the Utilities’ outreach efforts, COVID-19 low-income assistance program updates, and efforts to ensure that assistance funding is reaching underserved and vulnerable customers.⁷ Evidence presented to the

⁵ The Commission has the authority to extend the disconnection moratorium under RCW 80.01.040, which confers broad regulatory authority to the Commission to regulate the Utilities’ rates, services, facilities, and practices.

⁶ Comments of the Public Counsel Unit, ¶¶ 20-22 (April 30, 2021).

⁷ Notice of Opportunity to File Written Comments and Notice of Recessed Open Meeting (Mar. 31, 2021).

Commission overwhelmingly demonstrates the disparate impact that will occur if the disconnection moratorium is lifted and the need for additional time. Disparate impact includes potential disconnection, but also the unnecessary harm and stress to a vulnerable household receiving a disconnection notice.

A. Data from Advocates and the Utilities Show Disparate Impact of Disconnection Risk

5. The Energy Project and Public Counsel both presented detailed and unrefuted analyses that evaluated zip code-level data, income, and arrearages, and clearly showed that arrearages disproportionately impact low-income, marginalized, highly impacted communities.⁸ These communities are largely Black, Brown, Indigenous, and People of Color (“BIPOC”). During the public comment portion of the May 12, 2021, Open Meeting, Dr. Kathleen Soul also presented data correlating arrearages and race in highly impacted zip codes,⁹ and Dr. Soul’s data was consistent with The Energy Project’s and Public Counsel’s analyses.

6. As one commenter noted, vulnerable households are exhausted, “more exhausted than any of us.”¹⁰ Another commenter noted that the disconnection moratorium has been a “lifesaver” for families who are desperately working to keep a roof over their heads and food on their

⁸ Comments of the Public Counsel Unit (April 30, 2021); Supplemental Comments of Public Counsel (May 6, 2021); Comments of The Energy Project (April 30, 2021); Supplemental Comments of The Energy Project (May 7, 2021); Open Meeting Recording, Shawn Collins and Charlee Thompson, beginning at 2:39:57 (May 12, 2021), available at <https://www.utc.wa.gov/documents-and-proceedings/events/video-archive> (Recessed Open Meeting - Response to COVID-19 Pandemic Docket U-200281).

⁹ Open Meeting Recording, Dr. Kathleen Soul, beginning at 0:09:44 (May 12, 2021), available at <https://www.utc.wa.gov/documents-and-proceedings/events/video-archive> (Recessed Open Meeting - Response to COVID-19 Pandemic Docket U-200281). Dr. Soul holds a Ph.D in energy and environmental policy, and has been a PSE customer for 30 years.

¹⁰ Open Meeting Recording, Olivia McGoldrick, beginning at 0:14:29 (May 12, 2021), available at <https://www.utc.wa.gov/documents-and-proceedings/events/video-archive> (Recessed Open Meeting - Response to COVID-19 Pandemic Docket U-200281).

tables.¹¹ This demonstrates that the disconnection moratorium is providing a much needed reprieve as families on the margins are prioritizing expenses simply to survive.

7. In comments filed on February 12, 2021, Public Counsel presented data from Avista showing the number of potential disconnections in 2020 as compared to disconnections conducted in 2019.¹² The data shows a sharp increase in avoided potential disconnections as the disconnection moratorium was implemented. Over the course of 2020, the data shows that Avista’s residential customers avoided thousands of potential disconnections as a result of the moratorium.¹³ Data filed by Avista and Puget Sound Energy on April 30, 2021, continues to show thousands of potential disconnections avoided during the moratorium.¹⁴ A significant portion of these potential disconnections are in BIPOC communities.¹⁵

¹¹ Open Meeting Recording, Julia Mason presented by Ruth Sawyer beginning at 0:24:30 (May 12, 2021), available at <https://www.utc.wa.gov/documents-and-proceedings/events/video-archive> (Recessed Open Meeting - Response to COVID-19 Pandemic Docket U-200281).

¹² Comments of the Joint Advocates, ¶¶ 5–6, incl. Figure 1 (Feb. 12, 2021).

¹³ *Id.*

¹⁴ Puget Sound Energy, Response to Commission Request for COVID-19 related data, Sheet titled “Disconnections 2021” (April 30, 2021); Avista Corp., COVID-19 Credit & Collections Report, Sheet titled “Disconnections 2021” (April 30, 2021).

¹⁵ *Id.* Avista’s data shows 22,450 customers would have been at risk for disconnection. Of those, 8,355 are within Avista’s top-five highest arrearage zip codes, which also correlate with highly impacted, BIPOC communities (99205, 99207, 99208, 99202, and 99223). PSE’s data shows 57,300 customers would have been at risk for disconnection. Of those, 7,005 are within zip codes with high residential arrearages, which correlate with highly impacted, BIPOC communities (98003, 98032, 98002, 98023, and 98030).

8. PacifiCorp, Cascade, and NW Natural have not provided data regarding avoided disconnections¹⁶ despite being required to provide the “number of customers, by customer class, who have been disconnected each month for non-payment but for the moratorium.”¹⁷

B. Additional Time is Needed to Allow Assistance Dollars to Reach Vulnerable Households

9. Additional time is clearly needed to allow assistance dollars to reach vulnerable households. The Commission and several stakeholders recognize that the amount of assistance dollars exceed the arrearages such that no eligible customer should be disconnected.¹⁸ While this is true, the dollars have simply not had time to reach vulnerable households. In addition to utility and state assistance programs, federal funding is on its way. Federal dollars approved by Congress in March 2021, may not arrive until mid-June, leaving little time to reach vulnerable households before July 31, 2021.¹⁹

10. Carol Weltz from SNAP, a well-respected Community Action Partnership (CAP) agency in Spokane, clearly and directly stated that they do not have enough time before the end of the

¹⁶ PacifiCorp, Comments, Sheet titled “Disconnections 2021” (“none”) (April 30, 2021); Cascade, Response to Commission Request for COVID-19 related data, Sheet titled “Disconnections 2021” (“can’t predict who might have been disconnected because we don’t know who might have made payments if notices had been sent out”) (April 30, 2021); NW Natural, Comments, Sheet titled “Disconnections 2021” (“Not available – we have not attempted to predict who would have been disconnected given that customer disconnection for non-payment notices have not been sent for the customer classes subject to the moratorium”) (April 30, 2021).

¹⁷ Order 01: Extending Suspension of Disconnection of Energy Services for Nonpayment and Adopting Related Requirements, App’x A, Section J, Item 2(d) (Oct. 20, 2020); Order 02: Extending Suspension of Disconnection of Energy Services for Nonpayment and Adopting Related Requirements, App’x A, Section J, Item 2(d) (Feb. 18, 2020); Order 03: Extending Suspension of Disconnection of Energy Services for Nonpayment and Adopting Related Requirements, App’x A, Section J, Item 2(d) (May 18, 2020).

¹⁸ Order 03, ¶ 38.

¹⁹ Open Meeting Recording, Olivia McGoldrick, beginning at 0:14:29 (May 12, 2021), available at <https://www.utc.wa.gov/documents-and-proceedings/events/video-archive> (Recessed Open Meeting - Response to COVID-19 Pandemic Docket U-200281).

moratorium to administer the assistance dollars to those who need them.²⁰ While SNAP is working as fast as they can, they simply cannot work fast enough to move everyone through the qualification and benefit administration process by the end of the moratorium. Indeed, Shawn Collins of The Energy Project explained that SNAP is experiencing call volumes of 100 or more per day.²¹ Ms. Wertz illustrated the impact of the pandemic and the resulting economic hardship on Washington’s most vulnerable households when she described the “astronomical” stress level experienced by people seeking assistance. Ms. Wertz asked the Commission to extend the moratorium until September to allow SNAP adequate time to administer the assistance.²²

11. No compelling or substantial evidence was presented to the contrary by the Utilities. Indeed, they generally agreed with these descriptions of the situation. Thus, the Commission should reverse its decision to allow the disconnection moratorium expire on July 31, 2021.

II. EVIDENCE ESTABLISHES THAT THREATS ARE NOT NEEDED TO CONNECT CUSTOMERS WITH ASSISTANCE

12. The Commission’s order is based on the fallacy that utilities need to issue disconnection notices in order to communicate with their customers. Apparent from their oral comments, each of the Commissioners accepted this false premise in their decision-making. Commissioner

²⁰ Open Meeting Recording, Carol Wertz, beginning at 0:20:52 (May 12, 2021), available at <https://www.utc.wa.gov/documents-and-proceedings/events/video-archive> (Recessed Open Meeting - Response to COVID-19 Pandemic Docket U-200281).

²¹ Open Meeting Recording, Shawn Collins, beginning at 2:48:53 (May 12, 2021), available at <https://www.utc.wa.gov/documents-and-proceedings/events/video-archive> (Recessed Open Meeting - Response to COVID-19 Pandemic Docket U-200281).

²² Open Meeting Recording, Carol Wertz, beginning at 0:20:52 (May 12, 2021), available at <https://www.utc.wa.gov/documents-and-proceedings/events/video-archive> (Recessed Open Meeting - Response to COVID-19 Pandemic Docket U-200281).

Balasbas expressed that he believes extending the moratorium actually hurts customers.²³

Commissioner Rendahl stated that it resonates for her that sending disconnection notices will create fear, but that the information needs to get to customers in multiple ways, and allowing the Utilities to start conversations with their customers in this way will help.²⁴ Chair Danner cautioned that no one should be disconnected. He noted that disconnection notices have some effect, but that they also create fear and stress for customers. Chair Danner posited that the fear and stress could be mitigated by vigorous and robust outreach and that notices were needed to get customers' attention.²⁵

13. The evidence, however, does not support the conclusion that resuming disconnection activity is in the public interest.

A. The Evidence Confirms that Conditions Are Mixed and that Substantial Challenges Continue with Connecting Customers to Assistance

14. Commission Staff pointed to a number of metrics and data, including economic indices, health outlook, and vaccine outlook.²⁶ In each category, Staff's comments indicated that "we are

²³ Open Meeting Recording, Commissioner Balasbas, 3:26:50–3:28:20 (May 12, 2021), available at <https://www.utc.wa.gov/documents-and-proceedings/events/video-archive> (Recessed Open Meeting - Response to COVID-19 Pandemic Docket U-200281).

²⁴ Open Meeting Recording, Commissioner Rendahl, 3:29:06–3:30:00 (May 12, 2021), available at <https://www.utc.wa.gov/documents-and-proceedings/events/video-archive> (Recessed Open Meeting - Response to COVID-19 Pandemic Docket U-200281).

²⁵ Open Meeting Recording, Chair Danner, beginning at 3:34:05 (May 12, 2021), available at <https://www.utc.wa.gov/documents-and-proceedings/events/video-archive> (Recessed Open Meeting - Response to COVID-19 Pandemic Docket U-200281).

²⁶ Open Meeting Recording, Deborah Reynolds, 0:34:34–0:43:31 and 0:56:34–0:57:09 (May 12, 2021), available at <https://www.utc.wa.gov/documents-and-proceedings/events/video-archive> (Recessed Open Meeting - Response to COVID-19 Pandemic Docket U-200281).

not out of the woods yet.”²⁷ Commission Staff stated at various points that things have not returned to normal, but that things are better than they have been at times during the pandemic.²⁸ With respect to vaccines, Commission Staff indicated that vaccine deployment was one of the biggest things that would allow the economic recovery “that we are waiting for,”²⁹ which indicates that economic recovery has not yet happened.

15. Indeed, the positive economic indicators that Staff pointed to, including rising gross domestic product (GDP) and sales tax collections,³⁰ do not point to broad economic recovery, but rather hide the reality of racial inequities.³¹ These economic measures are evidence of the uneven recovery that policymakers and economists warned of from the early days of the pandemic, in which economic conditions would remain dismal for vulnerable and low-income families, but would improve for those who were better off prior to the pandemic.³²

16. Despite the high level of uncertainty, Staff recommended that the Commission allow the moratorium to expire based on the anticipated sufficient level of assistance and Staff’s certainty that utilities do not intend to disconnect customers who are in the process of obtaining

²⁷ Open Meeting Recording, Deborah Reynolds, 0:34:34–0:43:31 (May 12, 2021), available at <https://www.utc.wa.gov/documents-and-proceedings/events/video-archive> (Recessed Open Meeting - Response to COVID-19 Pandemic Docket U-200281).

²⁸ *Id.*

²⁹ *Id.*

³⁰ Open Meeting Recording, Deborah Reynolds, 0:34:56–0:35:28 and 0:56:34–0:57:09 (May 12, 2021), available at <https://www.utc.wa.gov/documents-and-proceedings/events/video-archive> (Recessed Open Meeting - Response to COVID-19 Pandemic Docket U-200281).

³¹ Open Meeting Recording, Julian Aris, 3:17:25–3:18:04 (May 12, 2021), available at <https://www.utc.wa.gov/documents-and-proceedings/events/video-archive> (Recessed Open Meeting - Response to COVID-19 Pandemic Docket U-200281).

³² Comments of Joint Advocates, ¶ 17 (Dec. 1, 2020).

assistance.³³ Staff emphasized focusing on getting assistance to customers and not extending the moratorium,³⁴ setting up a dichotomy that is not fully supported. Customers can remain protected by the moratorium while efforts to accelerate and improve assistance distribution take place.³⁵

17. Public Counsel also presented economic and health data in our written comments, characterizing the data as encouraging, but mixed.³⁶ Public Counsel also discussed the Utilities' efforts to stand up assistance programs.³⁷ Public Counsel recognizes that steps are being taken and that assistance dollars are beginning to reach some customers. However, we agree with Staff that Washingtonians are not "out of the woods."

18. Indeed, Mr. Collins highlighted his concern about vulnerable households and their ability to pay their utility bills even into the next heating season because their ability to make payments is tied to the pandemic and economic recovery.³⁸ Mr. Collins also explained that the auto-enroll phase that has allowed millions of dollars to automatically apply to certain customers' arrearages is essentially over because the remaining households that need assistance are harder to identify

³³ Open Meeting Recording, Deborah Reynolds, 0:32:20–0:33:04 (May 12, 2021), available at <https://www.utc.wa.gov/documents-and-proceedings/events/video-archive> (Recessed Open Meeting - Response to COVID-19 Pandemic Docket U-200281).

³⁴ Open Meeting Recording, Deborah Reynolds, 0:34:34–0:43:31 (May 12, 2021), available at <https://www.utc.wa.gov/documents-and-proceedings/events/video-archive> (Recessed Open Meeting - Response to COVID-19 Pandemic Docket U-200281).

³⁵ Open Meeting Recording, Julian Aris, 3:18:05–3:18:19 (May 12, 2021), available at <https://www.utc.wa.gov/documents-and-proceedings/events/video-archive> (Recessed Open Meeting - Response to COVID-19 Pandemic Docket U-200281).

³⁶ Comments of Public Counsel, ¶¶ 4–11 (April 30, 2021).

³⁷ Comments of Public Counsel, ¶¶ 16–21 (April 30, 2021).

³⁸ Open Meeting Recording, Shawn Collins 2:46:17–2:47:40 (May 12, 2021), available at <https://www.utc.wa.gov/documents-and-proceedings/events/video-archive> (Recessed Open Meeting - Response to COVID-19 Pandemic Docket U-200281).

and reach. He described that the “heavy lifting begins now” and explained that he did not expect to see assistance dollars reaching customers at the same pace going forward.³⁹

19. Until our most vulnerable households are out of the woods, it is imperative that critical customer protections including the disconnection moratorium remain in place. Similarly, it is critical that customers be free from threat of disconnection.

B. Outreach, Not Threats, Are Needed to Connect Customers to Their Utility and the Assistance They Need

20. As Julian Aris for the Sierra Club aptly noted, “a threat is no less a threat if kindly worded” and “the easiest way to keep customers from feeling threatened is to not threaten them.”⁴⁰ Threats only perpetuate the distrust that highly impacted communities feel for utilities and the institutions that regulate them. Rather, the Commission must ensure that the Utilities act with empathy by implementing and enforcing policies that protect customers. Empathy dictates that the moratorium be extended to allow the assistance dollars to arrive and for vulnerable households to apply and be approved to receive assistance before the threat of disconnection is even considered to be available.

21. Public commenters described how difficult it is for those in need to navigate the systems in place to obtain assistance. Many are unaware that assistance is available. Many face language

³⁹ Open Meeting Recording, Shawn Collins 2:48:01–2:48:39 (May 12, 2021), available at <https://www.utc.wa.gov/documents-and-proceedings/events/video-archive> (Recessed Open Meeting - Response to COVID-19 Pandemic Docket U-200281).

⁴⁰ Open Meeting Recording, Julian Aris, beginning at 3:16:13; *See also*, Open Meeting Recording, Lisa W. Gafken, beginning at 2:30:55 (stressing relationship building and outreach over disconnection notices) (May 12, 2021), available at <https://www.utc.wa.gov/documents-and-proceedings/events/video-archive> (Recessed Open Meeting - Response to COVID-19 Pandemic Docket U-200281).

barriers. Some do not have internet access to connect to utility websites to obtain information.⁴¹ These barriers, some of which indicate that outreach to date has not been as effective as needed,⁴² are not effectively or compassionately addressed by sending notices of disconnection to vulnerable households. These barriers require extensive outreach, which takes time to develop and implement because a key component of the outreach is relationship building.⁴³

22. Thus, the Commission should reverse its decision to allow the disconnection moratorium to expire on July 31, 2021, and to allow the Utilities to resume disconnection notice activity by sending the required 30-day notice as early as June 9, 2021.

III. EVIDENCE DEMONSTRATES THAT COLLECTION ACTIVITY SHOULD RESUME ONLY AFTER THE MORATORIUM EXPIRES

23. Customers should be free from all disconnection activity, including notice activity, during the moratorium because the ability to disconnect the day after the moratorium expires is not consistent with the spirit and purpose of the moratorium.⁴⁴ Governor Inslee stated in Proclamation 20-23.15, “[i]t is the intent of this order to ensure that vulnerable populations and

⁴¹ Open Meeting Recording, Julia Mason presented by Ruth Sawyer, beginning at 0:24:30 (May 12, 2021), available at <https://www.utc.wa.gov/documents-and-proceedings/events/video-archive> (Recessed Open Meeting - Response to COVID-19 Pandemic Docket U-200281).

⁴² See, Order 03, ¶ 38.

⁴³ Comments of Public Counsel, ¶¶ 16–21 (April 30, 2021); Open Meeting Recording, Lisa W. Gafken, beginning at 2:30:55 (May 12, 2021), available at <https://www.utc.wa.gov/documents-and-proceedings/events/video-archive> (Recessed Open Meeting - Response to COVID-19 Pandemic Docket U-200281); Order 03, ¶ 38 (“The Joint Utilities acknowledge that their outreach efforts have not been as effective as they should be.”).

⁴⁴ Open Meeting Recording, Lisa W. Gafken, beginning at 2:30:55 (May 12, 2021), available at <https://www.utc.wa.gov/documents-and-proceedings/events/video-archive> (Recessed Open Meeting - Response to COVID-19 Pandemic Docket U-200281).

households retain access to essential services while they are experiencing financial hardship caused by layoffs, reduced hours, or other circumstances caused by the COVID-19 pandemic.”⁴⁵

24. Moreover, the Governor’s Proclamation is intended to provide relief to those individuals impacted by the COVID-19 crisis.⁴⁶ Although there are signs that garner hope, the pandemic is not over. Subjecting customers to the stress and threat of receiving disconnection notices during the moratorium eliminates the relief that the moratorium is intended to provide. Furthermore, disconnecting customers from their essential services the day after the moratorium ends is simply unjust and unfair.

25. Under the current approved timeline, Utilities may begin the process to resume disconnections by issuing the 30-day notice as early as June 9, 2021, and issuing past due notices by July 12, 2021. Under this timeline, potential disconnections occur as early as August 2, 2021.⁴⁷ Each of the Utilities confirmed that the timeline depicted in the Revised Staff Term Sheet was generally accurate for their operations.

26. The Commission’s warning to the Utilities to not disconnect vulnerable households that may qualify for assistance provides no assurance or comfort to the family receiving a disconnection notice prior to July 31, 2021.⁴⁸ Rather, even if the disconnection event does not occur, that family will experience unnecessary stress and harm, which is simply callous and

⁴⁵ Wash. Exec. Order No. 20-23.15 (Mar. 18, 2021).

⁴⁶ *Id.*

⁴⁷ Order 03, App’x A, at 1, Diagram 1.

⁴⁸ Order 03, ¶ 38; Open Meeting Recording, Chair Danner beginning at 3:34:05 (May 12, 2021), available at <https://www.utc.wa.gov/documents-and-proceedings/events/video-archive> (Recessed Open Meeting - Response to COVID-19 Pandemic Docket U-200281).

devoid of empathy. This is unconscionable because, as noted above, no eligible household should be disconnected because there are adequate funds to satisfy current arrearages.⁴⁹

27. Thus, the Commission should reverse its decision to allow collections activities, including disconnection notices, to take place during the disconnection moratorium.

IV. THE COMMISSION SHOULD GRANT PUBLIC COUNSEL’S PETITION FOR RECONSIDERATION

28. In light of the overwhelming evidence of disparate impact to BIPOC communities and the need for additional time to provide customers with needed assistance, the Commission should grant Public Counsel’s Petition for Reconsideration and modify Order 03 to not allow the moratorium to expire on July 31, 2021. The Commission should also modify Order 03 to extend the moratorium by 60 days to September 30, 2021, for further evaluation pursuant to its authority under RCW 80.01.040. Further, the Commission should grant Public Counsel’s Petition for Reconsideration and modify Order 03 to allow disconnection notice activities only after the moratorium expires.

29. Unless modified in this manner, Order 03 will result in unjust public policy that prematurely lifts significant and necessary consumer protections. These customer protections have saved lives and continue to be needed as assistance dollars become available. “Destitute families trying to feed more mouths with fewer incomes don’t find the threat of losing power resting at their doorstep during a historic public health and economic crisis unless this

⁴⁹ *Id.*; *See supra*, ¶¶ 9, 12.

Commission decides that that's okay."⁵⁰ Prematurely lifting these protections will reverse the good policy actions taken to date.

V. THE COMMISSION SHOULD GRANT PUBLIC COUNSEL'S PETITION FOR STAY

30. Public Counsel requests that the Commission stay the effect of its decision in Order 03 to allow Joint Utilities to resume disconnection notice activities 30 days prior to the disconnection moratorium expiring. The Commission should stay the effect of this decision pending resolution of Public Counsel's Petition for Reconsideration.

31. Public Counsel's Petition for Stay is necessary because Order 03 allows utilities to begin the process of resuming disconnection activities in early June.⁵¹ Utilities are required to provide a notice that it will resume disconnection activities 30 days prior to issuing any past-due notices. To effectuate disconnections by August 2, 2021, utilities must provide past-due notices by mid-July. To provide past-due notices by mid-July, the 30-day resumption notices must be provided in early to mid-June.

32. Under WAC 480-07-850, the Commission can issue a notice specifying the date by which the Commission will act or may enter an order resolving the petition. Absent either of those actions, a petition for reconsideration is deemed resolved after twenty days. The time between May 28, 2021, and June 9, 2021, is 14 days, and the time is even shorter if a utility issues the 30-day notice sooner than June 9, 2021. Given the impact on customers and the clear

⁵⁰ Open Meeting Recording, Julian Aris 3:25:27–3:25:38 (May 12, 2021), available at <https://www.utc.wa.gov/documents-and-proceedings/events/video-archive> (Recessed Open Meeting - Response to COVID-19 Pandemic Docket U-200281).

⁵¹ Order 03, App'x A, at 1, Diagram 1.

evidence that additional time is needed to administer aid funds, it is in the public interest to grant Public Counsel's Petition for Stay.

VI. CONCLUSION

33. For the reasons stated herein, the Commission should grant Public Counsel's Petition for Stay and Public Counsel's Petition for Reconsideration. The Commission should modify Order 03 as requested above.

DATED this 28th day of May, 2021.

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