

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of

Response to the COVID-19 Pandemic

DOCKET U-200281

ORDER 04

AMENDING ORDER 03

BACKGROUND

- 1 On April 17, 2020, Governor Inslee issued Proclamation 20-23.2, which prohibits all energy, water, and telecommunications providers from (1) disconnecting residential service due to nonpayment, (2) refusing to reconnect residential customers who were disconnected due to nonpayment, and (3) charging late fees or reconnection fees. The prohibition was set to expire on May 4, 2020, but subsequent proclamations extended that date through July 31, 2021.
- 2 The Commission formed a COVID-19 response workgroup of stakeholders to facilitate development of guidelines for ensuring that customers experiencing economic hardship due to the COVID-19 pandemic maintain access to essential services after Proclamation 20-23 expires and the moratorium on disconnections and late fees is no longer in effect. Workgroup members exchanged proposed term sheets and participated in several workshops. Based on those discussions, Staff prepared a term sheet that reflected the terms on which the workgroup agreed and Staff's recommended resolutions of the disputed issues (Term Sheet). Following the October 6, 2020, recessed open meeting, Staff revised the Term Sheet to reflect the discussion and filed it in this Docket (Revised Term Sheet).
- 3 On October 20, 2020, the Commission entered Order 01 in this Docket, which adopted the Revised Term Sheet with modifications that (1) clarify how customer communication plans should be developed, and (2) direct Staff to open a docket to prepare a CR-101 when reasonably practicable to consider potential long-term changes and improvements to customer notice, credit, and collection rules. Order 01 extended the moratorium on disconnections for nonpayment of services by residential and small commercial

customers until April 30, 2021, and further provided that the Commission would assess the health and economic conditions in early February 2021 to evaluate requirements prior to the April 30, 2021, disconnection moratorium expiration date.

- 4 Following the Commission’s recessed open meeting on February 17, 2021, the Commission issued Order 02 in this Docket extending the moratorium until July 31, 2021, consistent with the Governor’s most recent proclamation at that time and directing Staff to place this item on a regular or recessed open meeting agenda in May to assess health and economic conditions and discuss whether the moratorium should be extended.
- 5 The Commission revisited this matter at its recessed open meeting on May 12, 2021. Staff prepared a Third Revised Term Sheet, which recommended the Commission maintain its suspension of disconnecting utility services for residential and small commercial customers (*i.e.*, commercial customers not served on a large consumption tariff) until July 31, 2021, (Resumption Date), with additional reporting requirements for the Joint Utilities, including submitting monthly data for 180 days after the Resumption Date.¹ The Third Revised Term Sheet also contained other minor, ministerial changes.
- 6 On May 18, 2021, the Commission entered Order 03 adopting Staff’s Third Revised Term Sheet, which maintained the moratorium on disconnections for nonpayment until July 31, 2021, established by the Governor’s moratorium and memorialized in Order 02 in this Docket, and allowed the Joint Utilities to resume disconnection notice activities 30 days prior to that date.
- 7 On May 28, 2021, the Public Counsel Unit of the Attorney General Office (Public Counsel) filed with the Commission a Petition for Reconsideration of Order 03 and a Petition for Stay (Petitions). Public Counsel requests the Commission extend the disconnection moratorium until September 30, 2021.²
- 8 On July 2, 2021, Governor Inslee issued Proclamation 20-23.16, which extends the disconnection moratorium until September 30, 2021.

¹ Additional reporting requirements found in Section I – Data and Reporting.

² Puget Sound Energy, Avista Corporation d/b/a Avista Utilities (Avista), PacifiCorp d/b/a Pacific Power & Light Company, Cascade Natural Gas Corporation, and Northwest Natural Gas filed a joint response to Public Counsel’s Petitions. Avista, The Energy Project, Staff, Northwest Energy Coalition, and Front and Centered also filed responses.

DISCUSSION

- 9 The Commission amends Order 03 consistent with Proclamation 20-23.16 to extend the disconnection moratorium until September 30, 2021. Staff's Third Revised Term Sheet is similarly revised to reflect these changes and is attached as Appendix A to this Order.
- 10 Revised Code of Washington (RCW) 80.04.210 and Washington Administrative Code (WAC) 480-07-875(1) provide that the Commission may amend any order it has entered and requires the Commission to provide notice of the proposed Commission action to the affected public service companies and to all parties in the underlying proceeding, and in WAC 480-07-875(1), provide an opportunity for parties to respond in writing or at a hearing consistent with due process.
- 11 Pursuant to WAC 480-07-110(1), the Commission, in response to a request or on its own initiative, may grant an exemption from, or modify the application of, any of its rules in individual circumstances if the exemption or modification is consistent with the public interest, the purposes underlying regulation, and applicable statutes. Consistent with due process and the public interest, the Commission may modify the application of procedural rules on its own initiative without following the process identified in WAC 480-07-110(2).
- 12 The Commission modifies the application of WAC 480-07-875(1) to waive the notice requirements contained therein. Because the Commission must modify the moratorium expiration date in Order 03 consistent with the Governor's directive, due process does not require that the Commission afford the parties an opportunity to respond.
- 13 For that same reason, the Commission need not rule on Public Counsel's Petitions. Public Counsel requests the Commission extend the moratorium until September 30, 2021, which we do by this Order. Accordingly, Public Counsel's Petitions are moot.

ORDER

THE COMMISSION ORDERS:

- 14 (1) Order 03 is amended as described in this Order, and as reflected in the Third Revised Term Sheet attached to this Order as Appendix A.

15 (2) The Commission retains jurisdiction to enforce this Order.

DATED at Lacey, Washington, and effective July 2, 2021.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Chair

ANN E. RENDAHL, Commissioner

JAY M. BALASBAS, Commissioner