

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

-----In the Matter of-----)
)
 PUBLIC UTILITIES COMMISSION) (NON-DOCKETED)
)
 Letter Request from the Consumer)
 Advocate for Commission Suspension)
 of Authority of Regulated Companies)
 to Terminate or Disconnect Services)
 Due to Non-Payment and/or Assess)
 Unreasonable Charges or Fees During)
 the COVID-19 Pandemic.)
 _____)

ORDER NO. 37284

EXTENDING SUSPENSION OF TERMINATION OR DISCONNECTION OF
REGULATED UTILITY SERVICES DUE TO NON-PAYMENT AND/OR ASSESSMENT
OF OTHER CHARGES THROUGH DECEMBER 31, 2020

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OF THE STATE OF HAWAII

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EXTENDING SUSPENSION OF TERMINATION OR DISCONNECTION OF
REGULATED UTILITY SERVICES DUE TO NON-PAYMENT AND/OR ASSESSMENT
OF OTHER CHARGES THROUGH DECEMBER 31, 2020

By Order No. 37125, filed on May 4, 2020,¹
Order No. 37153, filed on May 28, 2020,² Order No. 37189, filed on

¹Order No. 37125 (Non-Docketed), "Addressing the Consumer Advocate's Request for Suspension of Termination or Disconnection of Regulated Utility Services Due to Non-Payment and/or Assessment of Other Charges During the COVID-19 Pandemic," filed on May 4, 2020 ("Order No. 37125").

²Order No. 37153 (Non-Docketed), "Extending Suspension of Termination or Disconnection of Regulated Utility Services Due To Non-Payment and/or Assessment of Other Charges Through June 30, 2020," filed on May 28, 2020 ("Order No. 37153").

June 26, 2020,³ and Order No. 37251, filed on July 31, 2020,⁴ the Commission determined that “based on the extraordinary circumstances related to COVID-19, and on the Commission’s expedited investigation into this matter[,]” “all Commission-regulated electric, gas, telecommunications, water, and wastewater public utilities in the State of Hawaii (“Utilities,” or “Utility,” individually) shall suspend disconnections of electricity, gas, telecommunications, water, and wastewater services during the pendency of the Governor’s Emergency Proclamation until otherwise ordered by the Commission.”⁵ The Commission also suspended, pending further orders, any and all rules and provisions of individual utility tariffs that prevent or condition re-connection of disconnected customers.⁶

The Commission previously authorized each of these Utilities to establish regulatory assets to record costs resulting from the suspension of disconnections. The Commission also stated

³Order No. 37189 (Non-Docketed), “Extending Suspension of Termination or Disconnection of Regulated Utility Services Due To Non-Payment and/or Assessment of Other Charges Through July 31, 2020,” filed on June 26, 2020 (“Order No. 37189”).

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

⁵Order No. 37125 at 4, 7.

⁶Order No. 37125 at 4.

that in future proceedings it would consider whether each Utility's request for recovery of these regulatory assets is reasonable and necessary, as well as issues including the appropriate period of recovery for the approved amount of regulatory assets, any amount of carrying costs thereon, any savings directly attributable to suspension of disconnects, and other related matters.⁷

1. By this Order, the Public Utilities Commission ("Commission") extends, through December 31, 2020, its (1) suspension of disconnections of electricity, gas, telecommunications, water, and wastewater services, and (2) suspension of any and all rules and provisions of individual utility tariffs that prevent or condition re-connection of disconnected customers.⁸

⁷Order No. 37125 at 5; Order No. 37153 at 2; Order No. 37189 at 2; Order No. 37251 at 2. See also Non-Docketed Letter From: Division Of Consumer Advocacy Re: "Commission Investigation to Address COVID-19 Impacts on Consumers and Regulated Companies - Order No. 37189 Extending Suspension Of Termination Or Disconnection Of Regulated Utility Services Due To Non-Payment And/Or Assessment Of Other Charges Through July 31, 2020," filed on July 24, 2020 ("CA Letter"). The Commission notes that the CA Letter contains several recommendations that it suggests the Commission adopt regarding addressing non-payment of utility bills once the disconnection suspension is lifted in the future (CA Letter at 3). The Commission intends to address the Division of Consumer Advocacy's recommendations in future orders.

⁸Governor Ige issued his Twelfth Supplementary Proclamation on August 20, 2020, effective through September 30, 2020. Governor's "Twelfth Proclamation Related to the COVID-19 Emergency," available at: <https://governor.hawaii.gov/wp-content/uploads/2020/06/2006097A-ATG-Ninth-Supplementary-Proclamation-COVID-19-distribution-signed.pdf> (stating that "as

2. The Commission reiterates its statement from Order No. 37125 that Utilities should strongly consider offering payment plans or other reasonable arrangements to customers once the suspension of disconnections or terminations of service are lifted.

3. The Commission also encourages Utilities not to charge customers interest on past due payments, or impose any late payment fees, through December 31, 2020.

4. Any Utility that books regulatory assets consistent with the authorization provided in either Order Nos. 37125, 37153, 37189, 37251, or this Order, must file a quarterly report,⁹

of August 20, 2020, there have been more than 5,800 documented cases of COVID-19 in the State, with record daily numbers of cases detected in recent weeks and 45 deaths attributed to this disease.”). The Commission also finds that utility customers continue to struggle with unemployment and other financial impacts from the COVID-19 Pandemic.

⁹Order Nos. 37125 and 37153 previously stated that the quarterly reports were due on July 30, 2020, which Order No. 37189 amended to July 31, 2020. The Commission sets a deadline of October 30, 2020, for the first quarterly report for any Utility that books regulatory assets pursuant to the authorization granted in the instant Order. For any Utilities that previously began booking regulatory assets pursuant to Order Nos. 37125, 37153, and/or 37189, and that filed quarterly reports on July 31, 2020, the next quarterly report is due on October 30, 2020, and the following quarterly report will be due on February 1, 2021.

The Commission issued non-docketed Protective Order No. 37141 to govern a Utility’s filing of any confidential financial or business information included in these reports and the reports detailed in Paragraph 5, below, provided that, consistent with UIPA, all information for which a Utility claims confidentiality is supported by a description that: (1) identifies in reasonable

detailing the amounts of the costs incurred and any savings realized, which have been booked to the regulatory assets. These quarterly reports should include: a) updated information regarding the Utility's financial condition, and b) a list of the measures the Utility has in place to assist its customers during the COVID-19 emergency situation. A Utility should inform the Commission in its quarterly reports if a previously-reported upon measure the Utility had in place to assist customers has since been terminated, as well as a short description of the Utility's rationale for the termination of that measure.¹⁰

5. This Order shall not affect a Utility's ability to disconnect a customer's service for public safety concerns unrelated to non-payment of services.

6. The Commission also emphasizes that customers should continue paying their bills to the extent possible during this time, noting that customers will still ultimately be responsible for paying Utility service billings accrued during this suspension.

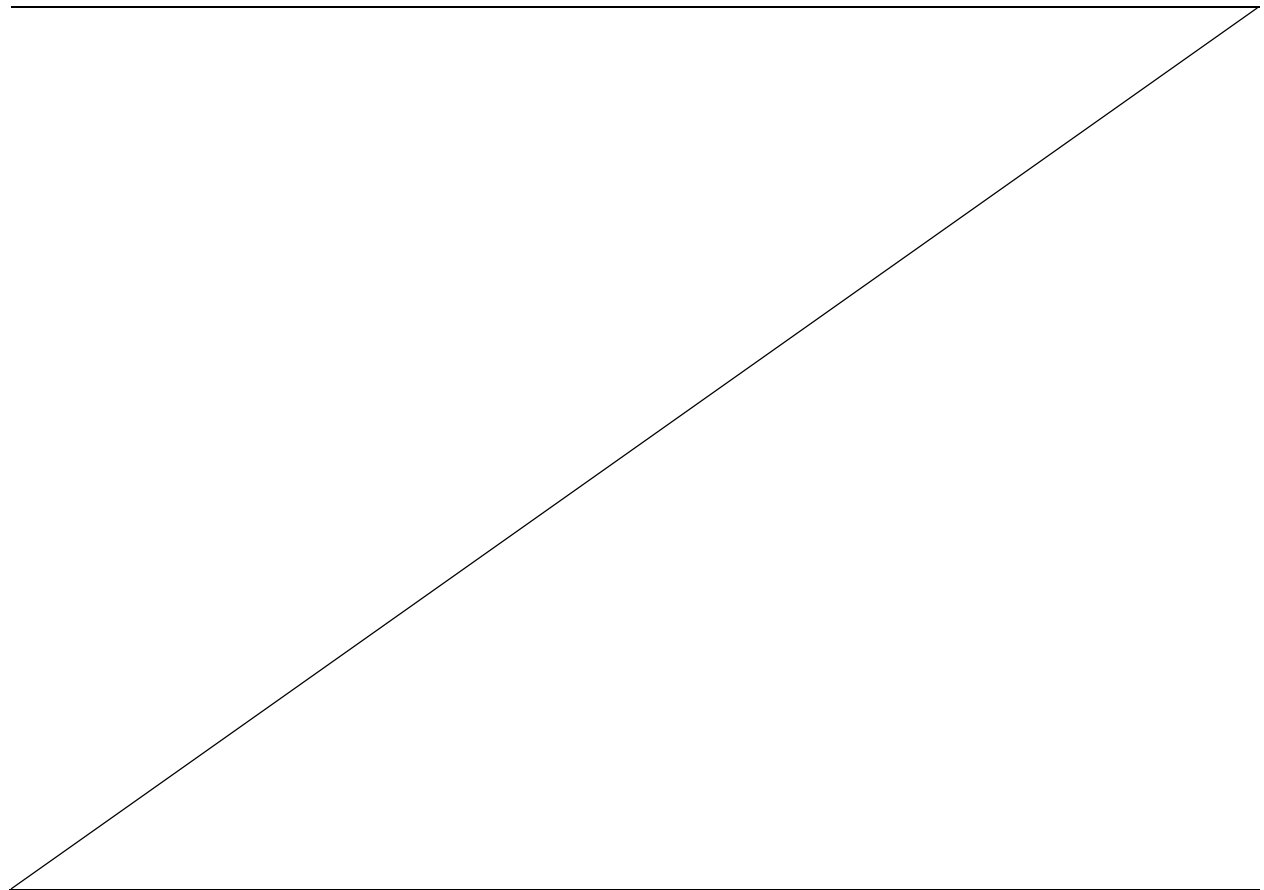
detail the information's source, character, and location; (2) states clearly the basis for the claim of confidentiality; and (3) describes, with particularity, the cognizable harm to the filing party from any misuse or unpermitted public disclosure of the information, which the Commission will review.

¹⁰See Order No. 37125 at 6, Order No. 37153 at 4, Order No. 37189 at 5, and Order No. 37251 at 5-6.

7. If a Utility subject to this Order maintains a website, such Utility shall provide notice of this Order's content on such website, and in any other prominent place that the Utility finds will help inform its customers.

THE COMMISSION ORDERS:

1. Based on the extraordinary circumstances related to COVID-19, and on the Commission's further expedited investigation into this matter, there is good cause to extend the suspension of disconnection of service originally set forth in Order Nos. 37125 37153, 37189, and 37251, until December 31, 2020, as set forth herein.



2. Any Utility that books regulatory assets consistent with the authorization provided in either Order Nos. 37125, 37153, 37189, 37251, or this Order, must file a quarterly report as set forth above, detailing the amounts of the costs incurred and any savings realized, which have been booked to the regulatory assets, as set forth herein.

DONE at Honolulu, Hawaii AUGUST 24, 2020.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By James P. Griffin By Jennifer M. Potter
James P. Griffin, Chair Jennifer M. Potter, Commissioner

APPROVED AS TO FORM:

Caroline C. Ishida By Leodoloff R. Asuncion, Jr.
Caroline C. Ishida Leodoloff R. Asuncion, Jr., Commissioner
Commission Counsel

Non-Docketed Order.ljk

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Pursuant to Order No. 37043, the foregoing order was served on the date of filing by electronic mail addressed to the following parties:

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