



March 31, 2020

Governor Kate Brown  
Office of the Governor  
VIA email

Dear Governor Brown,

The NW Energy Coalition, Community Action Partnership of Oregon, and Oregon Citizens' Utility Board deeply appreciate your leadership during this emergency. As organizations who advocate for affordable utility services in Oregon, **we urge you to act immediately under the emergency powers granted a governor under 401.168; 401.188 and 433.411 to order all utility service providers within the state, both state regulated and locally governed, to (1) reconnect customers who were previously disconnected, (2) order a moratorium on all utility shut offs for the duration of the emergency, in order to ensure all residents have essential utility service during the COVID-19 emergency, and (3) revise credit and collection procedures to ensure utility service remains affordable after the crisis ends.**

**Additionally, we request that you order all agencies administering electricity and natural gas low-income bill assistance funds to move immediately to temporarily simplify eligibility requirements for the duration of the emergency, including utilizing categorical eligibility and making it mandatory to waive written documentation requirements where it is impossible for agencies to obtain these documents from the applicant due to emergency measures. Voice (traditional telephone, wireless, satellite, over internet protocol) and internet access service bill payment assistance eligibility requirements should be simplified to the extent possible.** This will allow the tens-of-thousands of Oregonians without access or immediate access to written income documentation to qualify for needed assistance.

You have appropriately ordered Oregonians to shelter-in-place and repeatedly wash their hands to guard against spread of the virus. Schools and colleges have closed, and education has shifted from in-person to online instruction. Access to lighting, electrical appliances, voice and internet access services, and heat and cooling are critical at any time, but especially so during a pandemic when Oregon residents must shelter and learn at home. The ability for Oregonians to remain safely and comfortably in their own homes during this pandemic should not be determined by their financial condition, especially during this emergency.

By our last count, a little over half of Oregon's electric and natural gas utilities had taken some form of action to limit disconnections. We believe further action is necessary to ensure that all residents in the state are protected throughout the pandemic. **First, gubernatorial action is needed to require all utilities to reconnect customers who were previously disconnected due to inability to pay.**

**Second, an emergency order should ensure that both state *regulated utilities and locally governed* municipal utilities, electric cooperatives, peoples utility districts, as well as both regulated telecommunications utilities, wireless carriers, and all internet service providers refrain from disconnecting customers from essential energy, water, voice, and internet access services during this state of emergency. The order should also require utilities to reconnect customers who were previously disconnected due to inability to pay.** A governor's directive requiring a moratorium on *both* investor-owned utility and locally governed energy utility shutoffs is essential, as is a directive to regulated telecommunications utilities, wireless carriers, and all internet service providers serving Oregon customers

After emergency orders have been lifted, many, particularly low-income residents, will face unaffordable bills. Additional action will be needed to ensure that utility arrearages incurred during the crisis do not trigger disconnections, and that vital energy, water, voice and internet access services are affordable, just and reasonable for the foreseeable future. **A third, specific directive under the state's emergency powers statute is needed now to require all utility service providers, both regulated and locally governed, to enact more flexible credit and collections practices than currently delineated in state regulatory rules and public utility policies.** Specific direction from the Governor's office through the existing emergency statutory powers is essential to ensure that payment-troubled customers do not lose essential energy utility, voice, and internet access service in the months to come.

To that end, in addition to the requested moratorium on *both* regulated and locally governed utility service shut offs, the undersigned organizations urge you to include in any additional emergency order, the following directives, effective until further notice:

- Elimination of any customer deposit requirements;
- Enactment of an "Affordable Deferred Payment Arrangement" (ADPA) policy that is designed to ensure the creation of flexible, reasonable ADPAs that are negotiated based on a particular customer's ability to pay and income and expense circumstances, requiring no set maximum on length of DPAs and no minimum monthly payment amount;
- Elimination of any requirement that disconnected customers pay the full arrearage due before reconnection, thereby permitting reconnection upon issuance of an affordable ADPA;
- Elimination of reconnection fees;
- Elimination of credit reporting for existing customers and credit checks for new service applicants; and

- Debt forgiveness for energy utility consumers who can self-certify that they are eligible for the Low-Income Home Energy Assistance Program (LIHEAP) but unable to receive LIHEAP grants due to a shortage of LIHEAP funds or inaccessible LIHEAP services.

All energy and regulated telecommunications utility customers should have rate protections that defer and fairly distribute the burden of the emergency arrangements. Moreover, customers should not be asked to shoulder the burden of new utility debt that has arisen due to the COVID-19 crisis. Utilities should be allowed to put unexpected lost revenues as a result of implementing the relaxed credit and collection procedures into a deferred recovery account to ensure that utility customers are not required to incur additional costs in the near term. In light of the closure in many states of businesses deemed non-essential, and the cessation of much of the “gig” economy, these actions are needed now to ensure that essential energy and telecommunications utility, as well as voice and internet access services remain available and affordable for the foreseeable future for economically vulnerable consumers.

Thank you for your attention to this important matter and for your continued efforts to keep all consumers safe during this global pandemic.

Respectfully,



Wendy Gerlitz  
NW Energy Coalition

*/s/ Keith Kueny*

Keith Kueny  
Community Action Agency of Oregon



Bob Jenks  
Oregon Citizens' Utility Board