

**PUBLIC SERVICE COMMISSION
OF WEST VIRGINIA
CHARLESTON**

At a session of the PUBLIC SERVICE COMMISSION OF WEST VIRGINIA in the City of Charleston on the 17th day of June 2020.

GENERAL ORDER NO. 262.5

COMMISSION GENERAL ORDER REGARDING
EXTRAORDINARY EVENTS RELATED TO COVID-19

COMMISSION ORDER

The Commission addresses the voluntary suspension of service terminations by West Virginia utilities related to the health threat presented by COVID-19.

BACKGROUND

On March 13, 2020, the Commission sent an e-mail to all West Virginia public utilities urging a voluntary suspension of service terminations in consideration of the rapidly unfolding events surrounding the novel coronavirus. The Commission recognized that state residents were facing a health threat and the prospect of economic disruption from COVID-19 and that “stay at home” orders from various federal and state government agencies would likely impact the ability of utility customers to timely pay for utility services. The Commission, therefore, pending further notice, urged all utilities to suspend utility service terminations except for matters of safety or where requested by the customer. The Commission stated that it would provide additional and updated guidance, as warranted.

On March 17, 2020, the Commission issued General Order No. 262. Therein, the Commission continued to urge utilities not to terminate public utility service. Additionally, the Commission extended the Administrative Law Judge decision due dates by two months in all cases not subject to statutory deadlines. For cases subject to a statutory deadline, the Commission invited voluntary motions to toll the running of the statutory suspension period for two months or longer.

DISCUSSION

Recently, West Virginia has begun the process of rescinding its “stay at home” guidelines. The Commission appreciates the efforts of West Virginia utilities to provide financial relief for customers who have experienced financial stress and difficulties during the more restrictive COVID-19 mitigation guidelines. The Commission has

received numerous informal inquiries about whether termination of utility service may resume. The Commission has also been advised that some utilities that voluntarily suspended termination of utility service experienced significant cash flow deficiencies. In a few instances, utilities have requested rate relief for COVID-19 expenses, including the loss of cash flow from suspension of utility service termination activities. As anticipated in the March 13, 2020 e-mail, the Commission determines that further guidance regarding utility service termination is warranted at this time.

Initially, we note that on May 15, 2020, the Commission issued General Order No. 262.4 containing rate relief mechanisms for use by public utilities suffering economic impacts of COVID-19.

In this Order, the Commission describes the process for resuming service terminations for utilities that suspended terminations pursuant to the March e-mail. Because some utilities may have continued to issue termination notices without the intent to terminate,¹ we believe the utilities should “restart” the disconnection process from the beginning for all customers. This will give proper notice to customers that termination for nonpayment subject to notice after July 1, 2020, will occur if they do not pay their outstanding balances or make deferred payment arrangements with the utility.

Therefore, West Virginia utilities that voluntarily suspended utility service terminations as requested by the Commission may begin the notice of termination process effective July 1, 2020, if they choose to do so, subject to the following guidelines:

1. Termination notices issued prior to July 1, 2020 are not considered valid notice for termination of service.
2. Utilities desiring to terminate service may, starting on and after July 1, 2020, issue a new notice of termination to customers who are subject to termination pursuant to the applicable Commission rules and regulations.
3. A utility must provide notice to its customers that it is restarting the termination of service process effective with termination notices issued after July 1, 2020. This additional notice should be provided on the actual termination notice, if possible, or in instances where programming changes to termination notices is not possible, the utility may issue a news release notifying customers of the restart of the termination of the utility service process.
4. Utilities should not assess late payment fees for balances accrued during the voluntary termination suspension period.

¹ Some residential customer assistance agencies require termination notices to process assistance checks.

In addition, the Commission termination rules require that utilities negotiate reasonable deferred payment plans with customers who have significant past-due balances. The Commission urges utilities to utilize deferred payment plans in consideration of their customers' ability to pay during this period, including commercial customers impacted by COVID-19 restrictions.

FINDINGS OF FACT

1. West Virginia is beginning to reopen businesses.
2. Many West Virginia utilities discontinued termination for nonpayment of bills during the early months of the pandemic.

CONCLUSIONS OF LAW

1. Terminations for nonpayment should be subject to conditions that will give customers notice of the resumption of actual terminations.
2. Allowing additional time and notice prior to resuming terminations is reasonable considering the disruptions caused by the novel coronavirus.

ORDER

IT IS THEREFORE ORDERED that public utilities may resume disconnection for nonpayment pursuant to the guidelines described herein.

IT IS FURTHER ORDERED that on entry of this order this case shall be removed from the Commission docket of open cases.

IT IS FURTHER ORDERED that the Executive Secretary of the Commission serve a copy of this Order by electronic service on all public utilities and parties in active cases before the Commission who have filed an e-service agreement, by United States First Class Mail on all public utilities and parties of record in active cases before the Commission who have not filed an e-service agreement, and on Staff by hand delivery.

A True Copy, Teste,

A handwritten signature in cursive script that reads "Connie Graley".

Connie Graley, Executive Secretary

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