

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

VERIFIED JOINT PETITION OF DUKE ENERGY INDIANA,)
LLC, INDIANA GAS COMPANY D/B/A VECTREN ENERGY)
DELIVERY OF INDIANA, INC., INDIANA MICHIGAN)
POWER COMPANY, INDIANA NATURAL GAS)
CORPORATION, INDIANAPOLIS POWER & LIGHT)
COMPANY, MIDWEST NATURAL GAS CORPORATION,)
NORTHERN INDIANA PUBLIC SERVICE COMPANY, LLC,)
OHIO VALLEY GAS CORP. AND OHIO VALLEY GAS, INC.,)
SOUTHERN INDIANA GAS & ELECTRIC COMPANY D/B/A)
VECTREN ENERGY DELIVERY OF INDIANA, INC., AND)
SYCAMORE GAS COMPANY FOR (1) AUTHORITY FOR)
ALL JOINT PETITIONERS TO DEFER AS A REGULATORY)
ASSET CERTAIN INCREMENTAL EXPENSE INCREASES)
AND REVENUE REDUCTIONS OF THE UTILITY)
ATTRIBUTABLE TO COVID-19; AND (2) THE)
ESTABLISHMENT OF SUBDOCKETS FOR EACH JOINT)
PETITIONER IN WHICH EACH JOINT PETITIONER MAY)
ADDRESS REPAYMENT PROGRAMS FOR PAST DUE)
CUSTOMER ACCOUNTS, APPROVAL OF NEW BAD DEBT)
TRACKERS, AND/OR DETAILS CONCERNING THE)
FUTURE RECOVERY OF THE COVID-19 REGULATORY)
ASSET)

CAUSE NO. 45377
(Consolidated under
Cause No. 45380)

PETITION OF INDIANA OFFICE OF UTILITY CONSUMER)
COUNSELOR FOR GENERIC INVESTIGATION INTO)
COVID-19 IMPACTS TO BE CONDUCTED OVER TWO)
PHASES; EMERGENCY RELIEF PURSUANT TO IND. CODE)
§ 8-1-2-113 TO RELIEVE INDIANA RATEPAYERS OF THE)
THREAT OF UTILITY SERVICE DISCONNECTION AND)
PAYMENT ARREARAGES DURING GLOBAL HEALTH AND)
ECONOMIC CRISIS)

CAUSE NO. 45380

**CAC, INCAA, AND SIERRA CLUB’S (1) MOTION TO EXTEND INDEFINITELY
UTILITY SERVICE DISCONNECTION MORATORIUM AND WAIVER OF CERTAIN
UTILITY FEES, AND (2) RESPONSE IN SUPPORT OF OUCC’S MOTION
TO EXTEND CUSTOMER PAYMENT ARRANGEMENTS
AND ENHANCE UTILITY REPORTING REQUIREMENTS**

Citizens Action Coalition of Indiana, Inc. (“CAC”), Indiana Community Action
Association (“INCAA”), and Sierra Club, by counsel, respectfully request the Indiana Utility
Regulatory Commission (“Commission”) extend indefinitely the prohibition on utility service

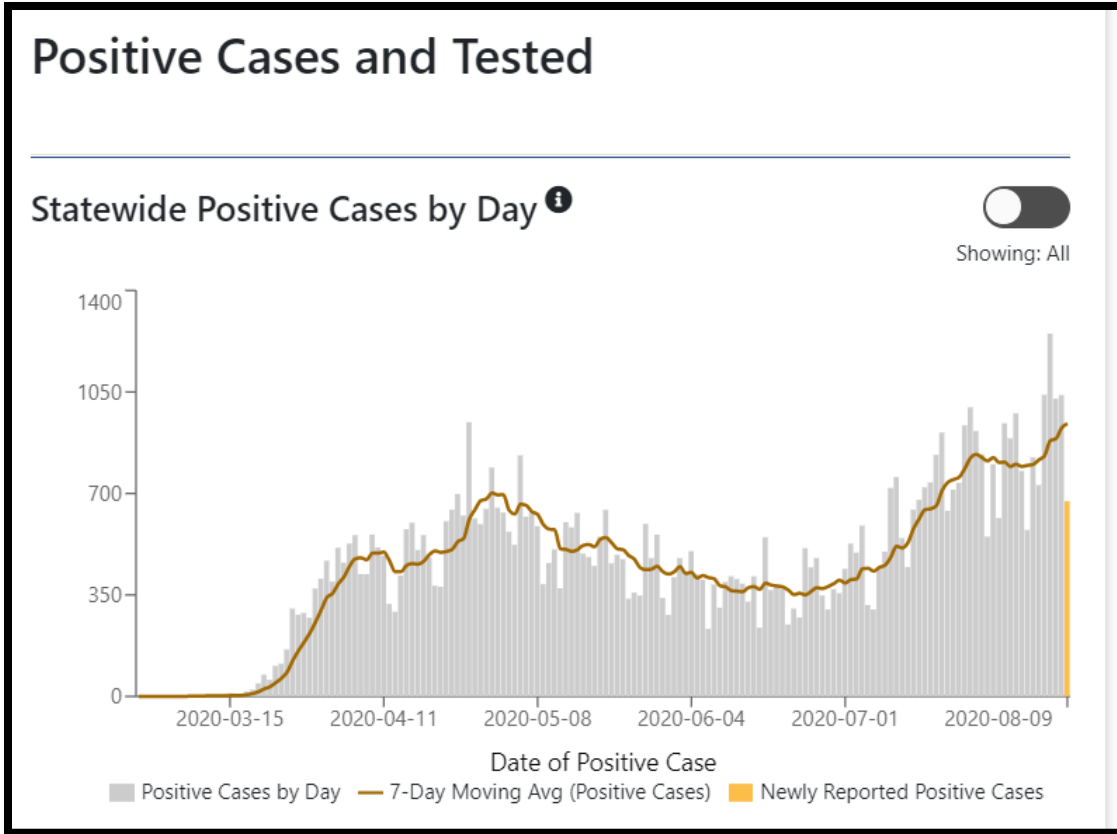
disconnections, along with the collection of certain utility fees (i.e., late fees, convenience fees, deposits, and reconnection fees), until evidence and data supports these consumer protections are no longer needed.

CAC, INCAA, and Sierra Club also hereby offer their support of the Indiana Office of Utility Consumer Counselor's ("OUCC") *Motion to Extend Customer Payment Arrangements and Enhance Utility Reporting Requirements* ("OUCC's Motion") filed on August 7, 2020, requesting that the Commission "order jurisdictional utilities to extend customer payment arrangements to a minimum of twelve months for arrearages through December 1, 2020. The OUCC also seeks additional reporting requirements to allow for Commission oversight of utility disconnections and assessment of various fees, once resumed, as well as the expansion of reporting requirements, currently limited to those utilities intending to participate in Phase 2 of this proceeding, to all Indiana jurisdictional utilities."

In support of their Motion and Response to the OUCC's Motion, CAC, INCAA, and Sierra Club state as follows:

1. As indicated in the OUCC's Motion, the COVID-19 pandemic continues to impact Indiana's public health and economy. In fact, as shown below, the Indiana State Department of Health reported 1,253 new cases of the novel coronavirus on Friday, August 7, 2020, which is the highest daily total of new cases since tracking began in March.¹ The second-highest daily total was reported on Thursday, August 6, 2020.

¹ Indiana State Department of Health's COVID-19 Data Report.
<https://www.coronavirus.in.gov/>



Although a federal relief package extending benefits may be still forthcoming, the \$600 unemployment benefits have ended, and many customers will face disconnection upon the expiration of the August 14, 2020, moratorium. Job insecurity, still evident in Indiana’s unemployment figures, will prevent many customers from being able to prioritize their utility bills, especially in light of shuttered workplaces, continued school closures and the complications for parents and guardians arising from virtual learning, the continued rise of COVID-19 new case numbers, etc. Furthermore, enrollments into the federal Low Income Home Energy Assistance Program were suspended as of July 31, 2020.² Hoosiers will need help from the Commission to stay connected to utility service, avoid late fees and other onerous charges, and

² Indiana Housing & Community Development Authority, Low Income Home Energy Assistance Program (LIHEAP). <https://www.in.gov/ihcda/4067.htm>

have access to longer-term payment arrangements. The only evidence available supports continuation of these consumer protections until significant evidence shows the financial crises is over for utility customers. Put another way, there is *no evidence to support* ending these consumer protections during this emergency *at this time or any set date in the near future*. While the true extent of the financial fallout and the permanent changes to the economy that are coming remain unclear, the Commission's decisions in this docket must be informed by what we know today.

2. As noted in the OUCC's Motion at paragraph 2, the reports and information submitted thus far by Indiana utilities appear to have "missing data, inconsistencies, and vagaries". Thus, the submitted data does not paint an adequate picture of the continuing needs of customers and the processes required to mitigate disconnections and defaults. CAC, INCAA, and Sierra Club agree with the OUCC that, "[u]ntil confidence can be found in the utilities' responses and complete information can be gathered, the true impact of the COVID-19 pandemic on utility customers cannot be firmly understood." CAC, INCAA, and Sierra Club support the OUCC's request for standardization of the Commission's reporting definitions, and perhaps the Commission providing a template to utility companies, to help improve the quality of these reports. This also further supports CAC, INCAA, and Sierra Club's additional requests in this Motion related to the continuation of the utility service disconnection moratorium and waiver of fees.

3. CAC, INCAA, and Sierra Club also agree with the OUCC's request for the Commission to expand "required reporting requirements to include, at minimum, data on the number of disconnections and reconnections by customer class per month (including the same data for the same month in the prior year), as well as data showing the amount of late fees,

convenience fees, customer deposits, and reconnection fees assessed and collected from customers...in addition to the monthly reporting items listed on page 5 of the Commission's May 27, 2020 Order ...[for] all Indiana jurisdictional utilities, not just those that intend to participate in Phase 2 of this Cause." OUCC's Motion, paragraph 4. If more complete data collection does not begin immediately and continue indefinitely, unique irretrievable credits and collection information (system performance under maximum stress) will be lost. Too much is at stake for Hoosier residents struggling to pay utility bills in the economic tsunami that is still unfolding. The expanded critical data tracking referenced above should be ordered here and now. This also further supports CAC, INCAA, and Sierra Club's additional requests in this Motion related to the continuation of the utility service disconnection moratorium and waiver of fees.

4. CAC, INCAA, and Sierra Club further agree with the OUCC that, "[c]ontinuing to allow short-term payment arrangements only exacerbates what is an extraordinarily challenging and complex crisis that families and businesses are being forced to navigate. To address the ongoing impact of the COVID-19 pandemic on utility customers, the Commission should order minimum payment arrangements of at least twelve months and make them available for arrearages through December 1, 2020 for all customer classes." The need for longer-term payment arrangements acknowledges a reality that is critically relevant here and now during this ongoing crisis: an individual's financial circumstances can change in a moment – whether it be due to illness, a resulting medical bill, an unexpected expense, loss of job, loss of child care or, in this instance, a worldwide pandemic that literally shut down the Hoosier economy. Payment arrangements also reflect a leap of faith: their successful completion requires customers to pay off not only their (unaffordable) existing monthly bill, but also a significant add-on payment, with the goal of eventually retiring the arrearage. Given these realities, the Commission must

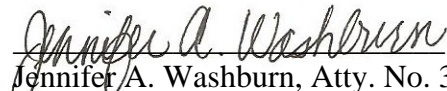
prioritize the availability of the longer-term payment arrangements for all jurisdictional utilities to ensure that the additional monthly amounts owed as a result of the payment arrangements are as low and affordable as possible. Additionally, a clear description of the longer-term payment arrangements should be provided in a separate notice to customers and again in all disconnection notices.

WHEREFORE, CAC, INCAA, and Sierra Club respectfully request that the Commission promptly enter an order:

- (1) granting CAC, INCAA, and Sierra Club's Motion requesting a continuation of the prohibition on utility service disconnections, along with the collection of certain utility fees (i.e., late fees, convenience fees, deposits, and reconnection fees), until evidence and data supports these consumer protections are no longer needed; and,
- (2) granting the OUCC's Motion requesting an extension of "customer payment arrangements to a minimum of twelve months for arrearages through December 1, 2020" and "additional reporting requirements to allow for Commission oversight of utility disconnections and assessment of various fees, once resumed, as well as the expansion of reporting requirements, currently limited to those utilities intending to participate in Phase 2 of this proceeding, to all Indiana jurisdictional utilities."

Counsel for CAC and INCAA is authorized to sign on behalf of Sierra Club.

Respectfully submitted,


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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing was served by electronic mail or U.S. Mail, first class postage prepaid, this 10th day of August, 2020, to the following:

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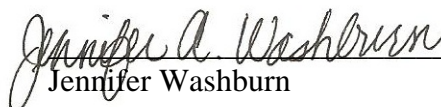
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