

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 ) CAUSE NO. 45377  
DELIVERY OF INDIANA, INC., AND SYCAMORE GAS )  
COMPANY FOR (1) AUTHORITY FOR ALL JOINT ) (Consolidated under  
PETITIONERS TO DEFER AS A REGULATORY ASSET ) Cause No. 45380)  
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 )

PETITION OF INDIANA OFFICE OF UTILITY CONSUMER )  
COUNSELOR FOR GENERIC INVESTIGATION INTO COVID- )  
19 IMPACTS TO BE CONDUCTED OVER TWO PHASES; ) CAUSE NO. 45380  
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 )

**INDIANA OFFICE OF UTILITY CONSUMER COUNSELOR'S**  
**MOTION TO EXTEND TEMPORARY CONSUMER PROTECTIONS AND**  
**STANDARDIZE UTILITY REPORTING REQUIREMENTS ACROSS ALL INDIANA**  
**JURISDICTIONAL UTILITIES**

In acknowledgment of the ongoing COVID-19 public health emergency, the Indiana Utility Regulatory Commission's ("Commission") August 12, 2020 order extended, for 60 days, two important consumer protections for the benefit of Indiana jurisdictional customers: (1) the

exclusion of late fee, deposit, and disconnection/reconnection fee collection for residential ratepayers<sup>1</sup> and (2) a requirement that customers are offered a minimum payment arrangement term of six months over which arrearages may be paid, unless a shorter time period is requested. Such payment arrangements were further required to not unjustly discriminate between customers and address all arrearages in a single payment plan. The Indiana Office of Utility Consumer Counselor (“OUCC”), by counsel, respectfully requests the Commission extend these consumer protections through December 31, 2020. The OUCC also requests that the Commission standardize its reporting requirements so that they apply to all Indiana jurisdictional utilities to allow for comprehensive oversight of utility disconnections and of the impact on utility operations caused by the COVID-19 pandemic. In support of this Motion, the OUCC states as follows:

1. The COVID-19 public health emergency in Indiana continues to persist. Governor Holcomb’s Executive Order 20-44 extends Indiana’s public health emergency to November 1, 2020, unless further renewed. Executive Order 20-44 notes that Indiana’s COVID-19 case and death counts continue to increase and that “the virus remains a threat to the health, safety and welfare of all residents of Indiana such that the emergency conditions continue to exist ....” Recent trends show an increase in Indiana’s total COVID case counts and in the positivity rate.<sup>2</sup> The economic toll in Indiana caused by the pandemic remains ongoing, with Indiana’s August unemployment rate at 6.5% as compared to 3.4% in February 2020, before COVID-19 cases in the State were identified.<sup>3</sup> National unemployment is trending downwards;

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<sup>1</sup> The Commission also approved regulatory accounting for these incremental expenses. See August 12, 2020 Order at 4, including footnote 4.

<sup>2</sup> <https://www.indystar.com/story/news/health/2020/10/05/indiana-coronavirus-cases-835-new-cases-7-new-deaths-reported/3623459001/>.

<sup>3</sup> <http://www.stats.indiana.edu/maptools/laus.asp>.

however, permanent job losses reported in September increased by 345,000.<sup>4</sup> Since the expiration of the federal unemployment supplemental aid in July, no additional federal stimulus or unemployment supplemental aid has been approved. Moreover, experts report that the economic fallout from the COVID-19 pandemic disproportionately affects households of color. Indiana University's O'Neill School of Public and Environmental Affairs' recent survey shows that "One in five Black households and nearly one-third of Hispanic households could not pay an energy bill during what was the second-hottest summer on record, yet only 12 percent of white households reported the same."<sup>5</sup> As the COVID-19 virus continues to pose a threat to public health and safety, Indiana residents and businesses are enduring lasting struggles with significant impacts, and some are bearing the brunt of this unprecedented challenge more than others.

2. Indiana's utility disconnection moratorium expired on August 14, 2020. The reports submitted by many Indiana utilities on or around September 27, 2020, with data through August 31, 2020, provide the first indication of how the expiration of the moratorium has affected customers and utilities. By and large, these reports show that customer enrollment in payment arrangements increased during the month of August. It is also noteworthy that during this time most of Indiana's six largest investor-owned energy utilities are offering residential payment arrangements of 12 months maximum or 12 months for LIHEAP eligible customers. If balances are ultimately paid, enrollment in payment arrangements should serve to reduce utilities' incremental bad

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<sup>4</sup> <https://www.bls.gov/news.release/empsit.nr0.htm>.

<sup>5</sup> <https://news.iu.edu/stories/2020/09/iub/releases/24-disconnected-utilities-disproportionate-impact-households-of-color.html>.

- debt expense and the total arrearage burden customers will have to pay. However, at this time, stakeholders have only a two-week glimpse into how customers and utility operations are faring amid the COVID-19 pandemic and after disconnections for non-payment can lawfully be performed.
3. Increased enrollment in payment arrangements serves to place even greater importance on the structure and implementation of those arrangements and whether customers can realistically manage the terms. It remains unclear from the utility reports whether payment arrangements are being implemented in such a way so as to maximize their usefulness to customers (i.e. whether/what amount up-front deposit is required to enroll, whether disconnection is scheduled if a customer misses one payment, etc.). The OUCC has previously advocated for flexible terms, including low or no deposits to access a payment plan and no disconnection until a customer has missed multiple payments. Current circumstances continue to require such flexibility.
  4. Allowing the requirement of extended customer payment arrangements of at least six months to lapse on October 12, 2020 threatens the fragile state of Indiana's economic recovery and could result in harm to utility customers. Likewise, reinstating utility late fees, deposits, and disconnection/reconnection fees for residential customers would serve only to disenfranchise those customers from making payments they may have just recently been able to restart. The Commission should take the data before it, albeit limited, as an indication that extended payment arrangements and the temporary exclusion of residential late fees, deposits, and disconnection/reconnection fees has served to motivate customers to enroll in realistic payment arrangements with manageable terms. This positive progress should not be stalled before it has had a

chance to make a meaningful impact. As such, to provide customers with certainty about the provision of their essential services, the Commission should extend these temporary consumer protections through December 31, 2020. This date overlaps with, but is not intended to supersede, the LIHEAP winter moratorium on disconnections. Rather, by extending these temporary protections through the end of 2020, the Commission would provide customers of all utility services – electric, gas, water, and wastewater – with certainty that extended payment plans are available and certain fees have been suspended. To provide customers with even greater certainty, the Commission should order payment plans be administered with low or no up-front deposits and that no customer is slated for disconnection until they have missed multiple payments.

5. Many utilities have been reporting relevant data to the Commission, consistent with its May 27, 2020 order, for several months. However, since disconnections have been lawfully performed since August 14, 2020, only a few utilities are reporting on actual disconnections/reconnections, the number of disconnection notices sent, and the accrual/collection (if permitted) of late fees, convenience fees, disconnection/reconnections fees, and deposits. The few that are reporting this data are doing so only by agreement.<sup>6</sup> As a result, the Commission continues to receive incomplete reports from many utilities in the state, as entities are picking and choosing which data to provide each month. The Commission must have accurate and complete data available to it upon which to base its decisions. As such, the OUCC requests the Commission order all Indiana jurisdictional utilities, not just those that intend to

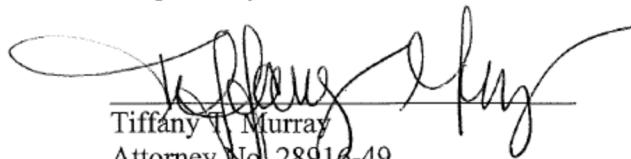
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<sup>6</sup> See Joint Utilities’ September 14, 2020 “Notice Regarding Monthly COVID-19 Reports.” The OUCC appreciates Joint Utilities’ willingness to provide this information.

participate in Phase 2 of this Cause, to submit the data points listed at page 5 of the Commission's May 27, 2020 Order as well as the data being reported on by agreement in the Joint Utilities' monthly COVID-19 reports, which is: the number of disconnection notices sent by customer class by month (including the same data for the same month in the prior year); the number of actual disconnections and reconnections by customer class per month (including the same data for the same month in the prior year), and if applicable, the amount of late fees, convenience fees, customer deposits, and reconnection fees assessed and collected from customers (by class and by month, including the same data for the same month of the prior year).

WHEREFORE, the OUCC respectfully requests that the Commission promptly enter an order consistent with the OUCC's request in Paragraphs 4 and 5 of this Motion and grant such other and further relief as may be appropriate and proper.

Respectfully submitted,



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Deputy Consumer Counselor

**CERTIFICATE OF SERVICE**

This is to certify that a copy of the *Utility Consumer Counselor's Motion for Extension of Consumer Protections* has been served upon the following parties of record in the captioned proceeding by electronic service on October 7, 2020.

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