

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

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Chair  
Commissioner  
Commissioner  
Commissioner  
Commissioner

In the Matter of an Inquiry into Actions by  
Electric and Natural Gas Utilities in Light of  
the COVID-19 Pandemic Emergency

ISSUE DATE: August 13, 2020

DOCKET NO. E, G-999/CI-20-375

ORDER ESTABLISHING PEACETIME  
EMERGENCY REQUIREMENTS AND  
MODIFYING REPORTING  
REQUIREMENTS

**PROCEDURAL HISTORY**

On March 25, 2020, the present docket was opened (the COVID-19 inquiry) when the Commission and Department of Commerce (the Department) jointly issued a letter requesting that utilities voluntarily take the following actions for the duration of the COVID-19 peacetime emergency:

- Extend Cold Weather Rule (CWR)<sup>1</sup> protections by restricting disconnection of residential customers for non-payment of utility bills and reconnecting customers who have been disconnected;
- Waive late fees incurred by any residential or small business customer because of economic circumstances related to the COVID-19 pandemic; and
- Arrange payment plans for customers requesting help during this time, based on the financial resources and circumstances of the customer.

By April 3, 2020, all rate-regulated utilities and many cooperative and municipal utilities had responded.

On April 14, 2020, the Commission issued a notice with initial reporting requirements for regulated gas and electric utilities, and requested further comments on additional data that may be useful to the COVID-19 inquiry.

On May 6, 2020, the Union of Concerned Scientists (UCS), together with several other organizations (the UCS group),<sup>2</sup> provided initial comments.

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<sup>1</sup> See Minn. Stat. §§ 216B.096, 216B.097, and 216B.16, subds. 12 and 12a.

<sup>2</sup> The UCS group comments were filed jointly by UCS, MN350, Institute of Local Self-Reliance, Solar United Neighbors Minnesota, Sierra Club, Vote Solar, Cooperative Energy Futures, Minnesota Center for

On May 14, the following parties provided initial comments:

- Consumer Advocates<sup>3</sup>
- Dakota Electric Association
- Center for Energy and Environment (CEE)
- Fresh Energy group<sup>4</sup>
- Xcel Energy (Xcel)
- Department of Commerce (the Department)
- Greater Minnesota Gas
- Otter Tail Power Company
- Minnesota Power
- Just Solar Coalition<sup>5</sup>
- CenterPoint Energy (CenterPoint)
- Minnesota Energy Resources Corporation (MERC)
- Sierra Club
- Office of the Attorney General (OAG)

On May 26, the following parties provided reply comments:

- CEE
- Consumer Advocates
- Xcel
- Otter Tail Power Company
- MERC

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Environmental Advocacy, Community Power, Minnesota Interfaith Power and Light, Climate Generation, 100% Campaign, and Alliance for Sustainability.

<sup>3</sup> The Consumer Advocates comments were filed jointly by Energy Cents Coalition (ECC), Citizens Utility Board (CUB), Legal Services Advocacy Project (LSAP), and Minnesota Community Action Partnership (MinnCAP).

<sup>4</sup> The Fresh Energy group comments were filed jointly by Fresh Energy, Community Stabilization Project, Green and Healthy Homes Initiative, Inquilinxs Unidxs por Justicia (Renters United for Justice), Midwest Energy Efficiency Alliance, Minnesota Housing Partnership, National Housing Trust, and Natural Resources Defense Council.

<sup>5</sup> The Just Solar Coalition is comprised of Solar Bear, Minnesota Renewable Now, Cooperative Energy Futures, MNIPL, Community Power, Minneapolis Climate Action, RREAL, and Honor the Earth/8<sup>th</sup> Fire Solar. Just Solar Coalition's comments were filed in consultation with more than ten other community-rooted, environmental justice, and policy organizations in Minnesota.

- Minnesota Power
- CenterPoint

On June 18, 2020, the Commission met to consider the matter.

## **FINDINGS AND CONCLUSIONS**

### **I. Reporting requirements**

In its April 14 notice, the Commission requested monthly data updates from regulated utilities consisting of information reported in the annual service quality reports and the monthly CWR updates. Among other things, this included data on the number of customers receiving disconnection notices, information on emergency medical account status, past due residential accounts, and total dollars received from energy assistance.

The Commission also requested public comments on the initial reporting requirements, and additional data that could be included.

#### **A. Party comments**

Parties generally agreed that the Commission's initial reporting requirements were appropriate; overall, the regulated utilities indicated that they could provide the requested information with some clarifications.

The Consumer Advocates made several recommendations to modify reporting requirements, including a new template to combine existing data into a standard format (Attachment A template).<sup>6</sup> The Consumer Advocates recommended two new reporting requirements – the number of Low Income Home Energy Assistance Program (LIHEAP) customers, and the number of customers restored to power at the same address. The Consumer Advocates also recommended that two items be included in the monthly report that are currently reported annually – the number of customers restored to service within 24 hours, and the number of customers restored to service by entering into a payment plan.

All utilities present at the Commission meeting supported using the Attachment A template, with minor clarifications to ensure consistency.

Parties also proposed various additional data points, including information about outreach to customers, comparison of annual bad debt expense, changes to service interruptions or response times, and changes in residential customers' energy expense burden.

As requested by the Commission and Department's March 25 joint letter, the regulated utilities indicated that they had stopped disconnecting customers in March. However, the Consumer Advocates pointed out that some utilities had not reconnected all customers, and that in some cases, the number of disconnected customers had increased from March to April. The Consumer Advocates recommended that utilities be required to report on actions taken to reconnect

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<sup>6</sup> Consumer Advocates initial comments, attachment A (May 14, 2020).

customers, factors that prohibit utilities from restoring service to remaining disconnected customers, and plans to restore service to all occupied residential properties for the duration of the peacetime emergency.

The Commission's April 14 notice also asked for comment on whether clarification was needed around the interpretation of the medical account statute.<sup>7</sup> Parties generally agreed that existing guidelines were sufficient and utilities noted that they had increased outreach to inform customers of medical account protections. The Consumer Advocates proposed reporting on several new data points related to medical accounts, including reasons for denial of medical account status and outreach efforts to inform customers of medical account protections.

Parties agreed that reporting should continue for the duration of the COVID-19 peacetime emergency, but made various recommendations for how long reporting should continue after the peacetime emergency ends. Parties variously recommended a 90 or 120-day reporting period following the end of the peacetime emergency.

Several parties, including both utilities and stakeholders, recommended additional comment periods to respond to data trends and provide updates to the Commission. Parties suggested comment periods in July and September 2020.

Overall, at the Commission meeting, there was widespread support for the Consumer Advocates' recommendations.

## **B. Commission action**

First, the Commission will delegate authority to the Executive Secretary to establish a final reporting template based on Attachment A of the Consumer Advocates' May 14, 2020 comments. The Commission believes that a standard template is valuable and will help stakeholders and the public access and compare relevant data. The Executive Secretary will work with regulated utilities and stakeholders to ensure that reporting requirements are being interpreted consistently.

Until a final reporting template is established, regulated utilities should use the Attachment A template for monthly reports to the Commission. Regulated utilities should begin monthly reporting starting July 20, 2020, and include data from all of 2020. CenterPoint and MERC must begin filing this information on June 26, 2020; the Consumer Advocates raised concern that these two utilities have been reconnecting customers at lower levels than in previous years and the Commission would like to review their data as soon as possible.

The Commission will direct regulated utilities to include additional ongoing reporting requirements in monthly reports, as described in ordering paragraphs 10 and 11. The Consumer Advocates proposed these items and utilities did not object to them during the Commission meeting.

The Commission will also direct regulated utilities to make additional reports, as described in ordering paragraph 9, with the frequency and timing to be determined by the Executive

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<sup>7</sup> Minn. Stat. § 216.098, subd. 5. This statute provides additional protection for customers who have a medical emergency or who use medical equipment requiring electricity that is necessary to sustain life.

Secretary. Although these items are of interest to the Commission and to stakeholders, monthly reporting would be unnecessary. Specifically, several of the items relate to medical account status, customer outreach, and reconnection of customers during the peacetime emergency; these are issues of great concern to the Consumer Advocates and other parties, and the Commission believes that additional reporting will be valuable.

Additionally, the Commission will direct regulated utilities to make a compliance filing on the reconnection fees charged and average monthly payment requested in payment arrangements with customers seeking reconnection. Regulated utilities are directed to make this filing along with the first monthly report due July 20, 2020; because there is particular concern about CenterPoint and MERC's reconnection practices, these utilities should file by June 26, 2020 and must immediately begin reconnecting customers.

The Commission will direct regulated utilities to file monthly reports in the present docket for the duration of the Governor's peacetime emergency and for 90 days following the end of the peacetime emergency. The Commission believes that this reporting period will provide adequate information about utility practices during the peacetime emergency and the transition back to normal utility operations.

Following the end of the Governor's peacetime emergency declaration, regulated utilities must continue to make monthly reports. The Commission will direct regulated utilities to replace current CWR monthly reporting in this docket with the final reporting template established by the Executive Secretary. As discussed above, using a standard report format going forward will help stakeholders and the public access this important information and avoid duplication of reporting in multiple dockets. The Executive Secretary will work with regulated utilities to ensure that there is a smooth transition from the existing CWR monthly reporting to the monthly reporting ordered in this docket.

Finally, the Commission will delegate authority to the Executive Secretary to establish further notice and comment periods, including any additional comment periods that may be necessary to discuss a proposed data template, respond to data trends, or provide updates to the Commission.

## **II. Peacetime emergency requirements**

The Commission and Department's March 25 joint letter requested that, for the duration of the COVID-19 peacetime emergency, utilities voluntarily restrict disconnections of residential customers for non-payment of utility bills, reconnect customers who had been disconnected, waive late fees, and arrange payment plans for customers requesting help.

The Commission's April 14 notice invited public comment on whether the Commission should direct utilities to provide additional assistance to customers, including potentially prohibiting certain negative reports to credit reporting agencies.

### **A. Party comments**

All of the regulated utilities and many municipal utilities and cooperatives indicated to the Commission that they would voluntarily take the actions requested by the March 25 letter.

Regarding credit reporting, several regulated utilities indicated that they either do not send credit reports directly to credit agencies or were not doing so during the peacetime emergency. The Department, Fresh Energy group, Sierra Club, and the OAG recommended that utilities continue to suspend negative credit reporting.

In addition to waiving late fees, as requested in the March 25 letter, parties variously proposed that utilities also waive interest, penalties, reconnection fees, and service deposits for the duration of the peacetime emergency. At the meeting, utilities did not object to these proposals.

### **B. Commission action**

The Commission appreciates utilities' voluntary efforts to assist customers during the COVID-19 pandemic, and their willingness to implement the additional proposals in this docket.

The Commission will direct regulated utilities to suspend disconnections for residential customers for the duration of the peacetime emergency; suspend negative reporting to credit agencies for residential customers through the end of 2020; and waive reconnection, service deposits, late fees, interest, and penalties for residential customers for the duration of the peacetime emergency.

Following the end of the peacetime emergency, utilities must put procedures in place to make an orderly transition back to normal operations while making reasonable efforts to reduce disruptions to customers. Although it is not possible to make definitive plans yet, with the COVID-19 pandemic still ongoing, the Commission will direct regulated utilities to provide the Commission with 60 days' notice after the end of the peacetime emergency before resuming residential disconnections, negative credit reporting, or the imposition of the fees, interest, and penalties discussed above. As part of the 60-day notice, regulated utilities must file a transition plan.

## **III. Translation requirement**

### **A. Party comments**

The Fresh Energy group and Sierra Club both recommended that utilities make communications available in multiple languages, to ensure that customers can access information related to COVID-19 policies whether or not they have English language proficiency.

At the Commission meeting, the Consumer Advocates, utilities, and other parties supported this recommendation.

### **B. Commission action**

The Commission agrees with the parties that it is essential for information on COVID-19 policies to be widely accessible to all utility customers, including customers who do not speak English.

The Commission will direct regulated utilities to translate existing COVID-19 materials, including direction on how to enroll in a payment plan, into languages other than English and post them to their COVID-19 response webpages. At a minimum, utilities must translate materials into Spanish, and preferably, utilities will also translate materials into other languages prominent within their service regions.

## ORDER

1. The Commission delegates authority to the Executive Secretary to:
  - a. Establish a final reporting template based on Attachment A of the Consumer Advocates' May 14, 2020 comments; and
  - b. Establish further notice and comment periods as necessary.
2. The Commission directs utilities to use the template from Attachment A of the Consumer Advocates' May 14, 2020 comments for monthly reports to the Commission starting July 20, 2020, and include data from all of 2020.
  - a. CenterPoint Energy and Minnesota Energy Resources must also file this information on June 26, 2020.
3. In addition to the monthly reports required by ordering paragraph 2, each utility must submit a compliance filing on the reconnection fees charged and average monthly payment requested in payment arrangements with customers seeking reconnection.
  - a. CenterPoint Energy and Minnesota Energy Resources must also file this information on June 26, 2020, and immediately begin reconnecting customers.
4. Utilities must continue the monthly reports required by ordering paragraph 2, filed on the 20<sup>th</sup> of each month, for the duration of the Governor's peacetime emergency and for 90 days following the end of the peacetime emergency.
5. Following the end of the Governor's peacetime emergency declaration, utilities must replace current Cold Weather Rule monthly reporting with the reporting template based on Attachment A of Consumer Advocates' May 14, 2020 comments and must file monthly reports no later than 45 days after the last day of the month for which data is reported.
6. Regulated utilities must do the following:
  - a. Suspend disconnections for residential customers for the duration of the peacetime emergency;
  - b. Suspend negative reporting to credit agencies for residential customers through the end of 2020; and
  - c. Waive reconnection, service deposits, late fees, interest, and penalties for residential customers for the duration of the peacetime emergency.
7. Regulated utilities must provide the Commission with 60 days' notice after the end of the peacetime emergency, including a transition plan, before resuming:
  - a. Residential disconnections;
  - b. Negative credit reporting; and
  - c. Imposing reconnection, service deposits, late fees, interest, and penalties for residential customers.
8. Utilities must translate existing COVID-19 materials, including direction on how to enroll in a payment plan, into, at minimum, Spanish, and preferably other languages prominent within their service regions, and post them to their COVID-19 response webpages within 30 days from the date of the Commission's oral decision.

9. Utilities must report on the following information. The Commission delegates authority to the Executive Secretary to establish frequency and timing of reporting on any of the items:
  - a. Examples of conditions for which utilities grant Medical Account status and provide some categorical reasons for denying Medical Account Status;
  - b. Outreach efforts to inform customers of the Medical Account protection;
  - c. A summary of ongoing outreach to customers struggling to pay bills;
  - d. A comparison of annual bad debt expense from 2017 to 2020;
  - e. Actions taken to reconnect those customers whose service has been restored since the Governor declared a state peacetime emergency on March 13, 2020;
  - f. Factors that prohibit the utility from restoring service to the remaining disconnected customers; and
  - g. Plans to restore service immediately to all occupied residential properties for the duration of the national security or state peacetime emergency.
10. For ongoing reporting purposes, utilities must report the number of LIHEAP customers on both a monthly basis (new applicants) and as a year-to-date total.
11. For ongoing reporting purposes, utilities must report the total number of customers disconnected from the beginning of each Cold Weather Rule period (October 15) and the number disconnected during each week of the Cold Weather Rule period.
12. This order shall become effective immediately.

BY ORDER OF THE COMMISSION

Will Seuffert  
Executive Secretary



This document can be made available in alternative formats (e.g., large print or audio) by calling 651.296.0406 (voice). Persons with hearing or speech impairment may call using their preferred Telecommunications Relay Service or email [consumer.puc@state.mn.us](mailto:consumer.puc@state.mn.us) for assistance.