The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC UTILITIES

D.P.U. 20-58-B July 31, 2020

Inquiry of the Department of Public Utilities into Establishing Policies and Practices for Electric and Gas Companies Regarding Customer Assistance and Ratemaking Measures in Connection to the State of Emergency Regarding the Novel Coronavirus (COVID-19) Pandemic.

ORDER ON THE CUSTOMER ASSISTANCE PLAN
FROM THE FIRST REPORT OF THE
CUSTOMER ASSISTANCE AND RATEMAKING WORKING GROUP

I. SUMMARY

The Department of Public Utilities ("Department") adopts and approves the customer assistance plan ("Customer Assistance Plan") proposed by the Customer Assistance and Ratemaking Working Group ("Working Group") in the Report of the Customer Assistance and Ratemaking Group filed with the Department on May 29, 2020 ("First Report"). This Customer Assistance Plan involves the following: (1) extended payment plans and waiver of late fees; (2) extended plans under available arrearage management programs; and (3) continuation of the Shut-Off Moratorium.[1]

On June 26, 2020, the Department approved the customer outreach plan that was part of the Working Group's comprehensive Customer Assistance Plan ("Customer Outreach Plan"). Policies and Practices for Electric and Gas Companies Regarding Customer Assistance and Ratemaking Measures in Connection With the COVID-19 State of Emergency, D.P.U. 20-58-A (June 26, 2020). In approving the Customer Outreach Plan, the Department found a proximate need for customers to have increased information regarding electric and gas service at this time. D.P.U. 20-58-A at 1. In Section V below, the Department addresses additional matters relating to the Customer Outreach Plan.

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[1] On July 29, 2020, pursuant to G.L. c. 25, § 4B, the Chairman of the Department issued his fourth set of orders concerning shutoffs of utility services and communications related to shutoffs by investor-owned gas, electric, and water distribution companies. If a Department order conflicts with directives under G.L. c. 25, § 4B, the directives under G.L. c. 25, § 4B control.

II. INTRODUCTION[2]

The Working Group submitted the First Report in response to Notice of Inquiry into Establishing Policies and Practices for Electric and Gas Companies Regarding Customer Assistance and Ratemaking Measures in Connection to the State of Emergency Regarding the Novel Coronavirus ("COVID-19") Pandemic, D.P.U. 20-58 (May 11, 2020) (NOI), where the Department convened the Working Group[3] to inform the Department in establishing policies and practices regarding customer assistance and ratemaking measures for electric and gas companies in response to the effects of the novel coronavirus ("COVID-19") pandemic.[4] NOI at 4. As a first project and priority matter, the Department directed the Working Group to file an initial report containing consensus recommendations regarding several proposed customer assistance policies and practices. NOI at 5.[5]

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2 For a more complete background on this case refer to D.P.U. 20-58-A at 1 through 2.

3 The Working Group is comprised of the following members: (1) Fitchburg Gas and Electric Light Company d/b/a Unitil; Massachusetts Electric Company and Nantucket Electric Company, Boston Gas Company and Colonial Gas Company, each d/b/a National Grid; NSTAR Gas Company and NSTAR Electric Company, each d/b/a Eversource Energy; Bay State Gas Company d/b/a Columbia Gas of Massachusetts; Liberty Utilities (New England Natural Gas Company) Corp. d/b/a Liberty Utilities; The Berkshire Gas Company; and Blackstone Gas Company (together "Distribution Companies"); (2) the Office of the Attorney General ("Attorney General"); (3) the Department of Energy Resources ("DOER"); (4) the National Consumer Law Center ("NCLC"); (5) the Low-Income Energy Affordability Network ("LEAN"); and (6) the Associated Industries of Massachusetts ("AIM"). Appendix A lists the Working Group representative for each member.

4 On March 10, 2020, pursuant to St. 1950, c. 639 and G.L. c. 17, § 2A, Governor Baker declared a State of Emergency in Massachusetts related to COVID-19. Executive Order No. 591.

5 The Department's Order also directed the Working Group to develop a consensus ratemaking proposal to support customer assistance initiatives and to maintain the

III. DEPARTMENT PROPOSALS AND WORKING GROUP RECOMMENDATIONS

A. Overview

In addition to a customer outreach plan, the Department directed the Working Group to deliberate regarding several proposals in each of the following areas relating to customer assistance: (1) potential extended payment plans and waiver of late fees; (2) potential extended plans under the Distribution Companies' arrearage management programs a/k/a arrearage management plans ("AMPs");[6] and (3) potential continuation of the Shut-Off Moratorium. NOI at 7-9. Also, the Department asked the Working Group to identify relevant activities from other states. NOI at 9.

The First Report contains information and recommendations regarding customer assistance measures in each outlined area, with several additional recommendations (First Report at 2, 21).[7] The Department's proposals and the Working Group's recommendations are summarized by topic in this section.

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financial integrity of the utilities in response to COVID-19. NOI at 10. As an initial framework for the Working Group's consideration of ratemaking measures, the Department requested that the Distribution Companies provide the Working Group with a ratemaking proposal. NOI at 5. The Department will address the Working Group's proposed ratemaking measures when the Working Group submits its ratemaking proposal to the Department. NOI at 10.

6 The Department approved each Distribution Company's AMP pursuant to "An Act Relative to Heating Energy Assistance and Tax Relief." St. 2005, c. 140, § 17. The AMPs provide financial assistance to eligible low-income customers with active accounts that have outstanding bills that are past due.

7 In addition to the Working Group's recommendations, the First Report includes three informational tables: Table 1 - Gas Company Arrearage Date; Table 2 - Electric Company Arrearage Data; and Table 3 - Current Distribution Company Payment Plans. The First Report also contains two appendices: Appendix A – COVID-19-Related Cost Treatment orders and Inquiries by State; and Appendix B – COVID-19-Related

B. Extended Payment Plans, Notices, and Waiver of Late Fees

1. Department Proposal

As direction for the Working Group, the Department outlined several proposals regarding extended payment plans and waivers of late fees, including: (1) to extend deferred payment plans for all customers for 18 months beyond the effective date of the Shut-Off Moratorium; (2) to continue to waive late payment fees to small commercial and industrial ("C&I") customers for a reasonable period following the date that Governor Baker lifts the State of Emergency, such as for six months; and (3) to waive late fees to any customers on an acceptable payment plan. NOI at 7.

2. Working Group Recommendations

a. Extended Payment Plans

i. Overview

The Working Group notes that the Distribution Companies voluntarily implemented various payment plan options at the outset of the State of Emergency, which are outlined in Table 3 (First Report at 7-8). Further, the Working Group states that the Distribution Companies already offer payment plans for Low-Income Customers through their respective AMPs (First Report at 8).

In the Distribution Companies' collective experience, an 18-month payment plan may be too long and could diminish the likelihood that the customer would pay the balance (First Report at 9). Also, if a payment plan is based on higher cost summer months for electric customers or

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Moratoriums by State. As the Department stated, the First Report referenced in these Orders includes a corrected Table 1. D.P.U. 20-58-A at 2 & n.4.

higher cost winter months for gas customers, having an 18-month payment plan could increase a customer's monthly payment under the plan (First Report at 9).

ii. Residential Customers

Notwithstanding existing plan options, the Working Group supports extending payment plans to residential customers for a duration of up to 12 months (First Report at 8-9). The Working Group supports extending payment plans to residential customers for 18 months where customers demonstrate "unique circumstances" (First Report at 8-9).[8]

The Working Group proposes to extend payment plan options to residential customers for 90 days after the Shut-Off Moratorium is lifted (First Report at 10). Under this proposal, the first day that a residential customer could be disconnected is November 16, 2020 (First Report at 9).[9] The Working Group states that it has not yet reached consensus regarding when Distribution Companies may send notices to residential customers that lead to termination of service (First Report at 10).

iii. Small C&I Customers

As with residential customers, the Working Group supports extending payment plans to small C&I customers for a duration of up to 12 months (First Report at 8-9). Similarly, the

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8 The Working Group will continue to discuss how to determine whether a customer's circumstances are unique as the COVID-19 pandemic evolves (First Report at 9). For residential customers, the application of an 18-month payment plan will likely be on a case-by-case basis and based on a customer's ability to pay (First Report at 9). For small C&I customers, the Distribution Companies will likely conduct individual fact-finding to make the determination (First Report at 9).

9 Any disconnection of service to a residential customer must comply with 220 CMR 25.03.

Working Group supports extending payment plans to small C&I customers for 18 months where customers demonstrate "unique circumstances" (First Report at 8-9).[10] The Working Group proposes to extend payment plan options for C&I customers for 30-60 days after the Shut-Off Moratorium is lifted (First Report at 11).[11] The Working Group argues that its approach encourages customers to enroll in a payment plan prior to the expiration of the Shut-Off Moratorium (First Report at 11).

iv. Large C&I Customers

The Distribution Companies are willing to offer payment plans to large C&I customers on a case-by-case basis, but payment plans generally would be less than six months as those customers generally have greater financial resources (First Report at 9-10).

v. Customer Breach of Extended Payment Plan

If a customer breaches an extended payment plan during the offering window, the Distribution Company may reinstate the customer (First Report at 11). If a customer breaches an extended payment plan after the offering window and the customer fails to cure the breach within the given grace period,[12] the Distribution Company will place the customer on a business-as-usual payment plan (First Report at 11). Currently, certain Distribution Companies

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10 As stated above, the Working Group will continue to discuss the context of "unique circumstances." For small C&I customers, the Distribution Companies will likely conduct individual fact-finding to make the determination (First Report at 9).

11 In this section of the First Report, the Working Group refers to C&I customers without qualifying small or large. The Department directs the Working Group in the next Update Report to state whether the references are to all C&I customers or a subset.

12 The Department directs the Distribution Companies in the next Update Report to state the grace period for an extended payment plan.

are unable to reinstate a customer breaching an extended payment plan without modifying their respective billing systems or employing a manual process for reinstatement (First Report at 11).[13]

b. Notices

i. Residential Customers

The Working Group supports permitting Distribution Companies to issue notices to residential customers prior to November 15, 2020 that inform customers regarding (1) their payments due, (2) payment plan availability, and (3) the potential for shut-off (First Report at 10).[14] The Working Group states that it has not yet reached consensus regarding when Distribution Companies may send notices to residential customers that lead to termination of service (First Report at 10). The Working Group recommends extending the Shut-Off Moratorium until at least November 15, 2020 for residential customers (First Report at 10, 20).

ii. C&I Customers[15]

The Working Group supports permitting the Distribution Companies to issue notices to C&I customers prior to September 1, 2020 that inform customers regarding (1) their payments

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13 The Department directs the Distribution Companies to include in the next Update Report (Section IV) (1) factors that the Distribution Companies will apply in determining whether or not to reinstate a breaching customer to an extended payment plan and (2) identification of the Distribution Companies that are able and unable to reinstate customers with modifications to billing systems or use of manual procedures.

14 The timing for Distribution Companies to issue notices to residential customers leading to termination of service is set forth at 220 CMR 25.02(3).

15 In this section of the First Report, the Working Group refers to C&I customers without qualifying small or large. The Department directs the Working Group in the next Update Report to state whether the references are to all C&I customers or a subset.

due, (2) payment plan availability, and (3) the potential for shut-off (First Report at 11). The first day that a C&I customer could be disconnected is September 1, 2020 (First Report at 11).

c. Late Fees

The Working Group supports the Department's proposal to continue waiving late payment fees for (1) small C&I customers for six months following the date that Governor Baker lifts the State of Emergency and (2) any customer on a deferred payment plan (First Report at 11-12).[16] The Working Group states that Distribution Companies will not assess late fees or discontinue service to customers enrolled in a payment plan when late fees and disconnections resume (First Report at 11).

C. Extended AMPs

1. Department Proposal

The Department outlined the following proposals regarding AMPs: (1) enroll customers in AMPs for up to 18 months; (2) customers to re-apply for and re-enroll in AMPs within four months of missed payments under an AMP; (3) increase the maximum amount of past-due balances that a company would forgive for consistent payment by customers on AMPs; and (4) submit data regarding customers entering into bill non-payment and describe the process of identifying qualifying customers for fuller analysis and discussion by the Working Group. NOI at 7-8.

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16 The Working Group states that the Distribution Companies have been voluntarily waiving late payment fees for their respective C&I customers during the COVID-19 pandemic (First Report at 12). The Working Group further indicates that the recovery of the late fee revenues will be addressed by the ratemaking proposal to be submitted by the Working Group after this report (First Report at 12, n.11).

2. Working Group Recommendations

a. Residential AMP Enhancements

The Working Group adopted several Department recommendations after incorporating into the First Report the recommendations of an "AMP Sub-Group" comprised of the Distribution Companies, the Attorney General, and NCLC (First Report at 13). In recognition of the need to modify AMP plans to accommodate unique economic circumstances, the AMP Sub-Group developed best practices for AMP plans until the Distribution Companies' next AMP filing in February 2021 (First Report at 13).[17] The Working Group adopted the following:

- all Distribution Companies offer customers the ability to temporarily "self-certify" that they are eligible to receive the low-income discount rate,[18] which is used as a proxy to qualify customers for AMP plans;
- the Distribution Companies agree that the discount rate self-certification period should be at least 60 days;[19]
- the AMP Sub-Group agrees that more frequent data exchange with the Commonwealth's Division of Transitional Assistance ("DTA") would be advantageous to increasing enrollment on the discount rate and AMPs;[20]

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17 The AMP Sub-Group began discussions prior to the issuance of the NOI by the Department (First Report at 13).

18 The low-income discount rate applies to rate classes R-2 and R-4. A customer will be eligible for this rate upon verification of a customer's eligibility for the low-income home energy assistance program, or verification of a customer's receipt of any means-tested public benefit, for which eligibility does not exceed 200 percent of the federal poverty level based on a household's gross income, or other criteria approved by the Department.

19 The Distribution Companies could accommodate a longer period to the extent that the COVID-19 State of Emergency creates obstacles for customers to self-certify (First Report at n.13).

20 Data exchanges with DTA allow the Distribution Companies to identify customers who are eligible for the discount rate and, therefore, eligible for an AMP. The data exchanges

- current AMP plans already allow for flexibility on the length of an AMP term because most Distribution Companies allow for an extension of the standard twelve-month AMP term when the customer's arrearage is over the maximum amount allowed for forgiveness;

- Distribution Companies already have agreed to allow for customer re-enrollment in the AMP at any time following a missed payment under an AMP, regardless of the timeframe of any successful prior participation, and have agreed to waive any prior good faith payments required;

- the maximum forgiveness amount for customers who successfully complete an AMP is a data-driven number that is unique to each Distribution Company;[21] and

- several Distribution Companies will be submitting AMP changes that may include other variations of an AMP that can used to inform future AMP best practices, such as investigating an automatic enrollment process for customers that would qualify for an AMP plan, automatically placing customers who successfully complete an AMP onto a budget plan to reinforce the steady payment behavior the customer displayed through its AMP participation, and increased customer outreach and communications about the program.

(First Report at 13-15.)

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occur quarterly. The AMP Sub-Group is in the process of reaching out to DTA to explore monthly data exchanges (First Report at 14).

[21] The following are current commitments among the Distribution Companies: Columbia Gas' current maximum amount forgiven is $3,600 annually, and it will not increase the maximum amount to be forgiven under its AMP plan. National Grid will increase the maximum amount to be forgiven from $4,000 under the current plan to $12,000. Eversource (electric), whose current plan allows for annual forgiveness of $4,500 in Eversource East and $9,000 in Eversource West, will increase its maximum amount to be forgiven to $12,000 for both parts of Eversource's Massachusetts service territory. Liberty Utilities will increase its annual maximum amount to be forgiven from $1,200 to $3,000. Unitil will also increase its maximum amount to be forgiven from $1,200 per service for electric or gas service to $4,800 per service for electric or gas service. Berkshire Gas, whose current maximum forgiveness amount is $3,000 annually, will remove the annual cap and allow 100 percent forgiveness of the past due balance within the AMP term as almost all residential customers have arrearages below $3,000 (First Report at 15). For clarity, the Department directs the Working Group in the next Update Report to specify which Distribution Companies within the National Grid system have adopted these forgiveness amounts.

b. Small C&I Arrearage Forgiveness Plan

The Working Group recommends establishing a new one-time arrears forgiveness program ("AFP") for small C&I customers that would be executed manually at the discretion of the Distribution Company (First Report at 16). The Working Group commits to further discussion of small C&I AFP programs and will report to the Department any progress made toward refining the details of this plan; the Distribution Companies are focused on the following program elements:

- **Availability:** Small C&I rate classes, defined on a company-specific basis, with possible addition of medium C&I customers for The Berkshire Gas Company.
- **Forgiveness Amount:** Either a customer's April 2020 bill, or a fixed amount representative of a customer's deferred payment received, or a fixed amount based on average winter bill or average consumption, or a monthly forgiveness credit based on a percent of the customer's monthly payment on a deferred payment plan upon receipt of customer payment(s).
- **Eligibility to Enroll:** Through simple process, e.g., customer indication that they may need assistance to pay bills that have accrued since the commencement of the COVID-19 State of Emergency.
- **Eligibility to Stay on AFP:** Agreement to be placed on a payment plan for up to 12 months.
- **Application of Credit (Forgiveness Amount).** At end of payment plan, or each month during payment plan.

(First Report at 16-17.)

D. Activities of Other States

1. Summary of Department Proposal

The Department requested information from the Working Group about best practices and other successful customer assistance programs that have been implemented by other states that could be effectively implemented in Massachusetts. NOI at 9. The Department also requested

information regarding implemented ratemaking support that has been put in place in other states as a response to COVID-19. NOI at 9.

2. Summary of Working Group Recommendations

The Working Group refers the Department to several resources regarding other states' customer assistance treatment relating to COVID-19, including (1) appendices in the First Report relating to "Edison Electric Institute's ("EEI") COVID-19-Related Cost Treatment Orders and Inquiries by State (May 20, 2020)" and "EEI's COVID-19-Related Ordered Moratoriums by State (May 20, 2020)"; (2) the National Association of Regulatory Utility Commissioners' ("NARUC") "State Response Tracker" and "COVID-19 Information by State" websites; and (3) the Connecticut Public Utilities Regulatory Authority ("CT PURA") docket number 20-03-15, an example of one state's progress formulating payment and communications plans (First Report at 20-21, Appendices A-B).

E. Additional Recommendations

1. Summary of Working Group Recommendations

The Working Group developed the following additional recommendations:

- Distribution Companies should be permitted to apply security deposits held on behalf of C&I customers to arrears;
- Department should place a link to a list of resources available to customers affected by COVID-19 in a prominent place on the Department's website; and
- Distribution Companies recommend waiving credit card fees for residential and C&I customers.[22]

[22] The Attorney General, NCLC, and LEAN do not recommend waiving credit card fees because this is the subject of an open docket, Customer Bill Payment Alternatives for Gas and Electric Distribution Companies, D.P.U. 19-71.

(First Report at 21-22).

IV. ANALYSIS AND FINDINGS

With this Order, the Department is adopting and approving the Working Group's comprehensive Customer Assistance Plan involving extended payment plans and waiver of late fees, extended plans under available AMPs, and continuation of the Shut-Off Moratorium. As stated above, we now approve the Working Group's proposal regarding these additional matters after approving the Working Group's Customer Outreach Plan in our prior Order. D.P.U. 20-58-A at 10.

The Department has recognized the need for regulatory action to ensure that jurisdictional utilities and customers are insulated from the financial impacts of the COVID-19 pandemic. D.P.U. 20-58-A at 5; NOI at 1-3.[23] Accordingly, we convened the Working Group and determined it to be an appropriate vehicle to resolve issues associated with the effects of COVID-19, including establishing policies and practices regarding customer assistance and implementing flexible ratemaking treatment. D.P.U. 20-58-A at 6; NOI at 4, citing Distributed Generation Working Group, D.P.U. 11-75-A at 4-5 (2012); Energy Efficiency Guidelines, D.P.U. 08-50-A at 5 (2009); Standards for Arrearage Management Programs, D.T.E. 05-86, at 15 (2006); Gas Unbundling Collaborative, D.T.E. 98-32-B (1999); Street Restoration Standards,

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[23] We reiterate our duty to ensure that the public utilities provide safe and reliable utility service at just and reasonable rates. NOI at 3, n.5, citing Attorney General v. Department of Telecommunications and Energy, 438 Mass. 256, 264 n.13 (2002); Attorney General v. Department of Public Utilities, 392 Mass. 262, 265 (1984); Fitchburg Gas and Electric Light Company v. Department of Public Utilities, 371 Mass. 881, 882 (1977); New England Gas Company, D.P.U. 10-114, at 22 (2011); Boston Gas Company, D.P.U. 93-60, at 212 (1993).

D.T.E. 98-22, at 2 & n.3 (1999); Electric Industry Restructuring, D.P.U. 95-30, at 46-47 (1995). The Working Group achieved consensus regarding most of the Department's proposed customer assistance policies and practices recommendations and outlined them in its comprehensive Customer Assistance Plan (First Report at 6-20). The Customer Assistance Plan outlines uncontested recommendations relating to extended payment plans, notices, waiver of late fees, AMPs, continuation of the Shut-Off Moratorium, and certain additional recommendations (First Report at 6-20).

As the product of the Working Group's deliberations, the Customer Assistance Plan reflects a balancing of interests among the Working Group stakeholders regarding extended payment plans and waiver of late fees, extended plans under available AMPs, and continuation of the Shut-Off Moratorium. The Department considers these uncontested elements of the Customer Assistance Plan to be reflective of our stated purpose to establish policies and procedures that mitigate the financial hardships faced by customers, promote positive implications for the Distribution Companies' operational health, and to regulate in the public interest. D.P.U. 20-58-A at 5-6. We support the Working Group's objective to encourage customers to enroll in a payment plan prior to the expiration of the Shut-Off Moratorium, which is an appropriate step to alleviate accumulating customer debt levels and negative impacts on company operations through a phased approach to collections resumption. D.P.U. 20-58-A at 7. Therefore, after due consideration, we approve and adopt the Working Group's Customer Assistance Plan and direct the Working Group and the Distribution Companies to implement the consensus policies and procedures as set forth in the First Report. Correspondingly, the

Department finds the recommendations of the Working Group relating to the continuation of the Shut-Off Moratorium to be reasonable.[24]

Specifically, the Department directs the Distribution Companies to adopt and implement the following policies and procedures relating to extended payment plans,[25] notices, and waivers of late fees:

- extend payment plans for residential and small C&I customers for 12 months beyond March 24, 2020 when the Shut-Off Moratorium took effect (First Report at 8-9);
- extend payment plan option for residential customers for 90 days after the Shut-Off Moratorium is lifted (First Report at 10);
- extend payment plan options for small C&I customers for 30-60 days after the Shut-Off Moratorium is lifted;[26]
- continue discussions to develop a criteria for "unique circumstances" to be applied that would allow residential and small C&I customers the extension of payment plans for 18 months beyond March 24, 2020 when the Shut-Off Moratorium took effect (First Report at 8-9);
- offer payment plans to large C&I customers on a case-by-case basis (First Report at 9-10);

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24 The Department stated that the results of this inquiry will inform the Department concerning policies and practices for water companies. NOI at 1, n.1. Accordingly, the Department considers it appropriate that the recommendations of this Working Group relating to the Shut-Off Moratorium should also apply to water companies.

25 The Department finds the policy governing a customer's breach of an extended payment plan to be generally reasonable; however, as stated above, the Distribution Companies will provide additional information.

26 As stated above, the Department seeks clarification regarding the use of the term C&I in this Section of the First Report without any qualification.

- issue notices to residential customers prior to November 15, 2020 that inform customers regarding (1) their payments due, (2) the availability of payments plans, and (3) the potential for shut-offs (First Report at 10);[27]

- issue notices to C&I customers prior to September 1, 2020 that inform customers regarding (1) their payments due, (2) the availability of payments plans, and (3) the potential for shut-offs (First Report at 11);[28]

- continue waiving late payment fees for small C&I customers for six months following the date that Governor Baker lifts the State of Emergency (First Report at 12);[29]

- waive late payments fees for any customer on a deferred payment plan (First Report at 12); and

- not assess late fees or discontinue service to customers enrolled in a payment plan when late fees and disconnections resume (First Report at 11).

The Distribution Companies shall adopt and implement the following policies and procedures relating to AMPs:

- enact a 60-day discount rate self-certification period that permits customers to receive immediate assistance while the customer gathers necessary documentation to support certification of eligibility (First Report at 13-14);

- continue to determine whether monthly data exchanges are possible with DTA (First Report at 14);

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[27] The Department considers that these notices would be within Phase 1 of the approved Customer Outreach Plan. D.P.U. 20-58-A at 4. Consistent with the Department's approval of the Customer Outreach Plan, the Working Group must provide the Department with ten day's advance notice of progressing among phases. D.P.U. 20-58-A at 8.

[28] As stated above, the Department seeks clarification regarding the use of the term C&I in this Section of the First Report without any qualification.

[29] The Department acknowledges that the Working Group will likely address the recovery of the late fee revenues in the Working Group's forthcoming ratemaking proposal (First Report at 12, n.11).

- allow for customer re-enrollment in the AMP at any time following a missed payment under an AMP, regardless of the timeframe of any successful prior participation (First Report at 14);

- waive any previously required "good faith payments" in circumstances where a customer re-enrolls in an AMP after breaking from a prior AMP (First Report at 14-15);

- establish the appropriate maximum forgiveness amount for past-due balances, as described for each Company in the First Report (First Report at 15); and

- establish a new AFP for small C&I customers focused on the program elements described in the First Report (First Report at 16-17).

The Distribution Companies shall implement the following additional policies and procedures:

- apply security deposits held on behalf of C&I customers to arrears (First Report at 21).

Further, the Distribution Companies may take other actions outlined in the First Report that are necessary to accomplish the above-stated directives. For example, the Distribution Companies may partner with Working Group stakeholders to inform residential, commercial, or industrial customers who have missed utility payments regarding COVID-19 payment programs and AMPs.

Additionally, the Department observes that the Working Group intends to further deliberate regarding certain contested and unresolved matters (First Report at 9, 10, 18, 22). The Department supports the goal of achieving consensus recommendations regarding unresolved matters. Specifically, the Department directs the Working Group to report to the Department in its next Update Report, as results are available, regarding the following issues:

- eligibility criteria for a proposed 18-month payment plan for small C&I customers (First Report at 9, n.6);

- the specific timeframe according to which notices that lead up to termination of service, such as the second and final notices described in 220 CMR 25.02(b) and (c), may be sent to customers (First Report at 10); and
- eligibility criteria for large C&I customers (NOI at 10, n.7).

The Department presently declines to adopt the Distribution Companies' recommendation to waive credit card fees for residential and C&I customers (First Report at 21-22). The Working Group failed to reach consensus regarding the waiver of credit card fees; further, the waiver of such fees is the subject of another open and unresolved docket, D.P.U. 19-71 (First Report at 22, n.20). Consequently, the Department refers the Distribution Companies to D.P.U. 19-71 as the appropriate vehicle for deliberations determining the costs and benefits of ratepayer-funded fee free credit/debit card programs.

Finally, the Department is mindful that the impacts of the COVID-19 pandemic are common to states addressing similar customer assistance and ratemaking concerns since the declaration of public health emergencies across the country. We encourage the Working Group to continue to monitor states' activities as the Working Group deliberates regarding best practices for ratemaking measures.

V. CUSTOMER OUTREACH PLAN

On July 10, 2020, the Working Group filed with the Department an update on the implementation of the Customer Outreach Plan approved by the Department in D.P.U. 20-58-A. Also, the Working Group filed two communications documents: (1) a list of resources available to customers affected by COVID-19, "Information About Energy and Utility Help" (Attachment 1) and (2) an example of customer messaging developed with LEAN, "Massachusetts energy assistance programs for income-eligible residents" (Attachment 2). We

find that Attachment 1 is consistent with the Department's directive at D.P.U. 20-58-A at 8, and the Department will take steps to display that information on our webpage. Also, we find that Attachment 2, provided for illustrative purposes, is appropriate.

VI. DOCUMENT SUBMISSION AND AVAILABILITY

All documents must be submitted to the Department in **pdf format** by email attachment to Peter.Ray@mass.gov and Rachel.Cottle@mass.gov. The text of the email must specify the following: (1) the docket number of the proceeding (D.P.U. 20-58); (2) the name of the person or company submitting the filing; and (3) a brief descriptive title of the document. All documents submitted in electronic format will be posted on the Department's website as soon as practicable at http://www.mass.gov/dpu. The submitting party must also retain a paper copy of the documents and file the paper copy when the Department requests its submission. To the extent a person or entity wishes to submit comments in accordance with this Notice, electronic submission, as detailed above, is sufficient. To request materials in accessible formats (Braille, large print, electronic files, audio format) for people with disabilities, contact the Department's ADA coordinator at DPUADACoordinator@state.ma.us.

All documents and/or filings submitted to the Department and/or issued by the Department will be available on the Department's website as soon as is practicable at https://eeaonline.eea.state.ma.us/DPU/Fileroom/dockets/bynumber (insert "20-58"). A paper copy of such documents will not be available for public viewing at the Department due to the State of Emergency. For further information regarding this notice, please contact Rachel Cottle, Hearing Officer, Department of Public Utilities, at Rachel.Cottle@mass.gov.

VII. CONCLUSION

In this Order, the Department adopts policies and practices for customer assistance measures in response to the COVID-19 pandemic.

VIII. ORDER

Accordingly, after Working Group comment and due consideration, it is

ORDERED: That, as provided herein, the Department hereby adopts and approves the Customer Assistance Plan proposed by the Customer Assistance and Ratemaking Working Group ("Working Group") in the Report of the Customer Assistance and Ratemaking Group filed with the Department on May 29, 2020, as such Report applies to customer payment plans, customer notices, late fees, and arrearage management plans; and it is

FURTHER ORDERED: That each gas and electric company subject to the jurisdiction of the Department under G.L. c. 164 shall comply with the directives contained in this Order; and it is

FURTHER ORDERED: That the Working Group, as identified herein, shall comply with the directives contained in this Order; and it is

FURTHER ORDERED: That the Secretary of the Department shall send a copy of this Order to the interested parties listed in Appendix A, Aquarion Water Company of Massachusetts, and Clean Water Action Massachusetts.

By Order of the Department,

/s/
Matthew H. Nelson, Chair

/s/
Robert E. Hayden, Commissioner

/s/
Cecile M. Fraser, Commissioner

APPENDIX A

CUSTOMER ASSISTANCE AND RATEMAKING WORKING GROUP

Electric Companies
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