LOUISIANA PUBLIC SERVICE COMMISSION

SPECIAL ORDER NO. 43-2020

LOUISIANA PUBLIC SERVICE COMMISSION,
EX PARTE

In Re: Special Orders 22-2020 and 28-2020, ratification and termination of Executive Order dated March 13, 2020 regarding utilities prohibited from disconnecting customers during the statewide public health emergency associated with COVID-19.

(Decided at the Commission's Business and Executive Session held June 24, 2020)
Supersedes Special Order Nos. 22-2020 and 28-2020 and terminates the suspension of disconnections

I. OVERVIEW

On March 11, 2020, Governor John Bel Edwards declared a statewide public health emergency by issuance of Proclamation 25 JBE 2020. The Louisiana Public Service Commission, through the authority designated to the Executive Secretary in General Order dated November 3, 2005, issued Executive Order dated March 13, 2020 ("3/13/20 E.O.") in response to the COVID-19 pandemic. Specifically, 3/13/20 E.O. prohibited/suspended the disconnection of customers of Commission-jurisdictional public utilities for non-payment of service, with exceptions only when public safety concerns unrelated to non-payment require disconnection.

At the Commission's April 29, 2020 Business and Executive Session ("B&E"), the Commission unanimously ratified and terminated the 3/13/20 E.O., which was memorialized in Special Order 22-2020 issued on the same day. Special Order 22-2020 continued the suspension of disconnections until the State of Louisiana entered Phase II of the "Opening Up America Again" plan,[1] and allowed disconnection procedures to commence with the first billing cycle following the state entering Phase II.

Special Order 22-2020 was amended at the Commission's May 27, 2020 B&E to clarify that the suspension of disconnections would continue until the Commission took further action regarding suspension of disconnects, regardless whether Louisiana entered Phase II. This amendment was to allow the Commission more time to receive information from jurisdictional utilities regarding the potential financial impacts from the 3/13/20 E.O. and Special Order 22-2020. The Commission's clarification was memorialized in Special Order 28-2020. Hereinafter, the 3/13/20 E.O. and Special Order Nos. 22-2020 and 28-2020 are collectively referred to as the "Commission's Disconnection Orders."

II. JURISDICTION

The jurisdiction of the Commission is set forth by the Louisiana Constitution, Article IV, Section 21, which provides as follows:

> The Commission shall regulate all common carriers and public utilities and have such other regulatory authority as provided by law. It shall adopt and enforce reasonable rules, regulations, and procedures necessary for the discharge of its duties, and shall have other powers and perform other duties as provided by law.

[1] https://www.whitehouse.gov/openingamerica/ This link provides an overview of the three-phased approach, including the initial gating criteria, as well as the criteria to move to each phase, and what each phase entails.

III. TERMINATION OF THE COMMISSION'S DISCONNECTION ORDERS

Louisiana remains under the declaration of a statewide health emergency, and many of the associated restrictions that triggered the Commission's Disconnection Orders remain in place. Nonetheless, both the State and Federal government have initiated discussions and protocols that provide a path forward, and outline when certain restrictions currently imposed may be relaxed. Specifically, the "Opening Up America Again" guidelines adopted a three-phased approach to removing the restrictions currently in place.

In Special Order 22-2020, the Commission determined that the Commission and its jurisdictional-utilities would continue to provide relief and assistance opportunities to customers until "Phase II" was achieved in Louisiana.[2] In anticipation of the State entering "Phase II," in Special Order 28-2020, the Commission also acknowledged that continuing these prohibitions will potentially impose financial impacts on the regulated utilities, and thus, sought information on what those impacts may be. On June 5, 2020, Louisiana moved into "Phase II" of the three-phased approach.

Based on the information received, the Commission found that there are increasing impacts that jurisdictional utilities are experiencing due to the Commission's Disconnection Orders. Therefore, consistent with Special Order No. 22-2020 and Louisiana entering Phase II, the Commission's Disconnection Orders are hereby terminated and superseded by this Special Order, including the prohibitions against disconnection/suspension of services for non-payment, effective July 16, 2020. Commencing with the first billing cycle following July 16, 2020, all public utilities subject to the jurisdiction of the Commission may commence disconnection procedures, according to the protocols outlined in Commission General Orders dated February 20, 1973, July 12, 1976, and October 11, 2019, for non-payment of outstanding balances on bills rendered after July 16, 2020.

This Order does not eliminate the requirement that jurisdictional utilities work with their customers on payment plans or levelized billing. All jurisdictional utilities shall temporarily provide payment plans or levelized billing for recovery of past due balances for residential customers for a period of up to 12 months.

Further, all jurisdictional utilities shall provide Commission Staff with a report identifying the payment plans offered within 30 days of issuance of this Order, including a link to the utility's website where such options are offered. If a report cannot be provided within 30 days, the utility shall file a notice to the Executive Secretary explaining why the utility is unable to comply with this Special Order.

IV. COMMISSION CONSIDERATION

Commissioner Skrmetta made a motion, seconded by Vice Chairman Greene, to reconsider Special Order Nos. 22-2020 and 28-2020, which was unanimously adopted. On motion of Commissioner Skrmetta, seconded by Vice Chairman Greene, and unanimously adopted, the Commission voted to lift the suspension on disconnections and late fees included in Special Order Nos. 22-2020 and 28-2020 and require all jurisdictional utilities to temporarily provide payment plans or levelized billing as well as provide a report to Commission Staff identifying the payment plans as outlined herein.

IT IS THEREFORE ORDERED THAT:

1. Special Order 22-2020 and Special Order 28-2020 are hereby terminated.

2. Special Order No. 43-2020, as outlined herein, is hereby adopted by the Commission.

3. All jurisdictional utilities shall temporarily provide payment plans or levelized billing for recovery of past due balances for residential customers for a period up to 12 months.

[2] In "Phase II," many businesses, schools, and other entities were able to reopen, and assume practices similar to those before the pandemic.

4. All jurisdictional utilities shall provide Commission Staff with a report identifying the payment plans offered within 30 days of issuance of this Order, including a link to the utility's website where such payment plans are offered. Should a utility not be able to provide a report within 30 days, the utility shall file notice to the Executive Secretary explaining why a report cannot be provided.

5. This Order shall be effective immediately.

BY ORDER OF THE COMMISSION
BATON ROUGE, LOUISIANA
July 1, 2020

/S/ MIKE FRANCIS
DISTRICT IV
CHAIRMAN MIKE FRANCIS

/S/ CRAIG GREENE
DISTRICT II
VICE CHAIRMAN CRAIG GREENE

/S/ FOSTER L. CAMPBELL
DISTRICT V
COMMISSIONER FOSTER L. CAMPBELL

/S/ LAMBERT C. BOISSIERE, III
DISTRICT III
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