

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Emergency Order : Docket No. M-2020-3019244

COMMENTS
OF
ATTORNEY GENERAL JOSH SHAPIRO

As the Chief Law Officer of the Commonwealth, I submit these comments in response to the Public Utility Commission (Commission)'s request for comments dated August 10, 2020 regarding the current moratorium on the termination of public utility services and consumer protections for at-risk customers. Given the vast number of individuals and families that continue to be affected by the ongoing COVID-19 pandemic, I strongly oppose lifting the Commission's Emergency Order (dated March 13, 2020) prohibiting involuntary utility service terminations. I urge the Commission to continue protecting Pennsylvania consumers by extending the moratorium for the duration of the pandemic.

The COVID-19 pandemic is an unprecedented health and safety crisis in Pennsylvania. As of today's date, more than 120,000 Pennsylvanians have tested positive for the virus, and already more than 7,400 have died. While the spread of COVID-19 showed signs of improvement in June, the daily infection rate has continuously increased since mid-July.

In addition to the public health concerns, this pandemic is causing economic

hardship and pain for millions in our Commonwealth. More than two million Pennsylvanians have filed for unemployment since March 16th of this year. That means one in three Pennsylvania workers have lost work, not to mention the hundreds of thousands more who have lost wages due to business closures. As Pennsylvania continues to navigate the safe reopening of our schools and businesses, unemployment levels remain high and those returning to work have only just started recovering from the financial setbacks of joblessness.

A critical part of slowing the spread of the pandemic is having people stay home as much as possible to avoid unnecessary contact with others.¹ As such, the Commission's existing Emergency Order is critical to protecting Pennsylvanians. Lifting this order would force many families into an impossible choice: losing their homes or trying to live without utility service. Either scenario is likely to result in unsafe living conditions and further spread of the disease. As families return to work and school this fall, it is imperative that the Commission maintain this protection to ensure that consumers have access to safe, stable housing during the ongoing public health crisis.

Since March of this year, my Office has heard from many consumers who have

¹ See, e.g., [Executive Order of Governor Tom Wolf, July 9, 2020](#) ("the unnecessary movement and/or displacement of individuals residing in Pennsylvania from their homes or residences during the current stage of the disaster emergency continues to constitute a public health danger to the Commonwealth in the form of unnecessary movement that increases the risk of community spread of COVID-19").

experienced difficulty with paying for basic necessities, including rent and utilities. We are on the front lines, hearing firsthand countless stories of personal hardship and trying to help people find solutions. It is clear from these accounts that involuntary utility service terminations will have a devastating impact on Pennsylvanians.

Two other considerations make the continuation of the utility shutoff moratorium critical. First, Pennsylvanians are not any better off economically than they were when the moratorium was first put into place. The unemployment rate in Pennsylvania remains at historically high levels, including two (2) Pennsylvania metro areas with an unemployment rate above 15%—a statistic that makes them some of the worst U.S. cities economically affected by the COVID-19 pandemic. This is now compounded by the expiration of the added unemployment benefits from the federal CARES Act.

Second, with a large proportion of Pennsylvania districts not physically returning to full-time, in-person school in the fall and opting for online learning instead, the importance of functioning utilities in homes is heightened. Families need to rely on uninterrupted utilities not just for their basic needs but also to ensure their children's education.

While I am mindful of the pressures this crisis has placed on utilities, they are in a better position to shoulder the short-term financial burden and recoup losses experienced during the pandemic than are unemployed and underemployed families. As a matter of fundamental fairness, the utility income losses associated with the economic downturn caused by COVID-19 cannot fall solely on the backs of working class Pennsylvanians and our Commonwealth's most vulnerable populations.

These are extraordinary times and they call for extraordinary efforts from all of us. We can beat this disease and its economic impacts if we come together and look out for one another. I applaud the Commission for its swift action to protect consumers during the pandemic by issuing its March 13th Emergency Order. Unfortunately, the facts and circumstances that compelled the Order have not changed. I encourage the Commission to continue being proactive in offering affirmative relief to distressed consumers by extending its moratorium.

If the Commission insists on lifting its moratorium, then at a minimum I ask it to require utilities to offer customers some options of financial relief, such as late fee waivers, rate reductions, flexible payment arrangements, and/or debt forgiveness. I also ask that the Commission place the burden on the utilities to prove that specific consumers are able to pay and failing to do so. It is unfair to place the burden of proof on Pennsylvanians who are struggling enough during this pandemic without being forced to jump through hoops and collect cumbersome paperwork just to keep the bill collectors at bay.

Thank you for your consideration of this request and the important role you play in the health of our Commonwealth. Our office looks forward to working with the Commission in the coming weeks to find ways to help Pennsylvania's families through this crisis.



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