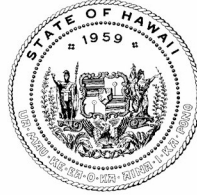


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March 11, 2021

The Honorable Chairman and Members of
the Hawaii Public Utilities Commission
Kekuanaoa Building
465 South King Street, Room 103
Honolulu, Hawaii 96813

Dear Commissioners:

RE Docket No. 2020-0209 – In the Matter of Public Utilities Commission
 Proceeding to Gather Data to Inform Commission Decision-Making
 Regarding Suspension of Utility Disconnections and Related Issues As a
 Result of the COVID-19 Pandemic.

The Division of Consumer Advocacy (“Consumer Advocate”) appreciates the Commission’s Order No. 37667 filed on March 10, 2021, that: 1) extended the moratorium of terminations or disconnections of utility service through May 31, 2021; 2) extended the suspension of all rules that prevent or condition re-connection of disconnected customers; 3) required the development of payment plans for customers who have past due payments greater than sixty days; 4) extended the prohibition of charging interest on past due payments or the imposition of late payment fees; 5) continued the reporting requirement for utilities that are recording COVID related net regulatory assets; 6) required the customer outreach that included notice of the content of Order No. 37667, notice of when the disconnection suspension will be lifted with targeted communications to customers that may be likely at risk of disconnection; and 7) provided next steps for ending the moratorium, among other things.

In its requirement to develop payment plans, the Commission has required the establishment of minimum and maximum term lengths. To assist those customers most affected by the COVID-19 pandemic, the Consumer Advocate urges the Commission to consider providing additional guidance beyond Order No. 37667 by requiring utility companies to allow low- and moderate-income (“LMI”) or unemployed customers to have payment plans that have a minimum term length of 12 months. The Consumer Advocate also urges the Commission to require utility companies to allow customers that have

been, or currently are, unemployed the option of a deferred payment plan, such as the one that Hawaiian Electric is offering.¹ Since Hawaii still has one of the highest unemployment rates in the country,² the Consumer Advocate believes that requiring a deferred payment plan option for customers that struggled or are still struggling with the economic impacts associated with unemployment is a reasonable measure.

The Consumer Advocate also recommends that the Commission adopt the following consumer protections:

- Prohibit utilities from imposing down payments on customers as part of any payment plan and/or deferred payment plan.
- Prohibit utilities from taking part in negative credit reporting against customers who are in arrears during the suspension period.

In addition, the Consumer Advocate recommends that utilities include the following in their Pre-Disconnection Suspension Termination Report:

- Education plans for customers to manage their utility bills and their utility service usage.
- Information as to where the payment plans can be found by customers (e.g., utility's website, bill inserts, etc.) and how often customers were provided this information.

Finally, the utilities should provide letters, if requested by customers, that indicate that the service account is in arrears and could be terminated if such letters may be required to qualify for bill assistance.

¹ <https://www.hawaiianelectric.com/billing-and-payment/payment-assistance/payment-arrangement-options>.

In its "Deferred Start 4-month or 6-month Equal Installment Plan" Hawaiian Electric is allowing a customer to start making payments after a delay of two months. The Consumer Advocate urges any utility to consider whether a customer continues to be unemployed and whether the deferral period should be longer as this would encourage customers, even if they are unemployed, to demonstrate their commitment to pay their outstanding balances when that customer has the wherewithal to make payments (e.g., when they are employed again).

² <https://www.hawaiinewsnow.com/2021/02/02/hawaiis-unemployment-rate-remains-highest-nation/>

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The Consumer Advocate believes these recommendations will help customers maintain essential utility services and provide a path for customers to successfully transition to regular and timely bill payments while restoring revenues to utilities. Thank you for your consideration.

Sincerely,

/s/ Dean Nishina
Dean Nishina
Executive Director

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PUBLIC UTILITIES
COMMISSION

The foregoing document was electronically filed with the State of Hawaii Public Utilities Commission's Document Management System (DMS).