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## Requesting Order to Utilities Addressing Gas & Electric Service Shutoffs and Access Issues Amid COVID-19

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Bcc: director@soulardarity.com

Commissioners Dan Scripps, Sally Talberg, and Tremaine Phillips:

On behalf of the Work for Me, DTE Campaign and numerous signatories, we write to request that the Michigan Public Service Commission issue a clear directive to Michigan utilities to cease residential customer shut-offs through the duration of the COVID-19 State of Emergency, as well as take further action to protect residential gas and electric service access throughout and following the coronavirus public health emergency.

We are deeply concerned about the effect of the COVID-19 pandemic, and the resulting loss of income and wealth for many Michigan families, on customers' access to energy. We are pleased that several Michigan utilities, including DTE Energy and Consumers Energy, have separately announced policies suspending shut-offs for certain eligible low-income and senior customers through April 5th.

However, these short-term, voluntary shutoff suspensions, protective only of customers who already enrolled in low-income or senior programs, are insufficient to protect public health and wellbeing. Hourly-employed, low-income, and low-wealth families are already experiencing the economic impacts of the COVID-19 pandemic, and are highly vulnerable to gas and electric service shut-offs. Any procedural barriers to demonstrating eligibility for shut-off protection would be extremely problematic given the quickly moving nature of the public health and economic crisis, particularly for families with limited internet access, computer literacy, English language proficiency, and transportation.

Instead, the Michigan Public Service Commission must ensure that all customers of publicly-regulated utilities have reliable access to gas and electric service throughout the State of Emergency. For those who are ill, the ability to control the temperature of one's home, store and prepare food, and operate medical equipment, may be matters of life and death.

In wake of the pandemic, dozens of utility justice and environmental organizations across the country have called upon governors, mayors, and utility regulators to (1) Establish an immediate moratorium on utility shut-offs and late-payment fees, and reinstatement of services already cut off, and (2) Move forward long-term energy affordability policies through distributed clean-energy systems, particularly for low-wealth communities, and

through percentage-of-income payment systems. Work For Me, DTE signed on to this call for urgent action, which we link [here](#) for your consideration.

Many public utility commissions across the country have heeded the call, taking swift and decisive action to make sure all residents have access to electric and gas service during the current pandemic:

- On March 12<sup>th</sup>, the Connecticut Public Utilities Authority issued an order banning all electric, natural gas, and water utilities from shutting off services to any customers.
- On March 13<sup>th</sup>, the Pennsylvania Public Utility Commission issued an order prohibiting electric, natural gas, water, wastewater, telecommunications, and steam utilities from terminating service for nonpayment.
- On March 13<sup>th</sup>, the Wisconsin Public Service Commission ordered water, electric, and natural gas utilities to cease disconnecting residential service for nonpayment of bills.
- On March 13<sup>th</sup>, the Massachusetts Department of Public Utilities issued an order prohibiting gas and electric utilities from shutting off service due to non-payment.
- On March 15<sup>th</sup>, the Mississippi Public Service Commission issued an order directing all water, electric, and natural gas utilities to suspend shutoffs.
- On March 16<sup>th</sup>, the Louisiana Public Service Commission issued an order directing all electric, natural gas, telephone, and water utilities to immediately stop disconnecting customers for the non-payment of bills.
- On March 16<sup>th</sup>, the State Corporation Commission of Kansas issued an order directing all electric, natural gas, water, and telecommunications utilities to suspend disconnection of service for non-payment of bills in order to prevent or avoid the immediate danger to the public health, safety or welfare presented by the COVID-19 pandemic.
- On March 16<sup>th</sup>, the Maine Public Utilities Commission directed all electric, natural gas, and water utilities to suspend disconnection of service for the non-payment of bills.
- On March 16<sup>th</sup>, the Governor Lawrence Hogan, Jr. of Maryland issued an executive order requiring all electric, gas, sewage disposal, telegraph, telephone, water, cable television, or internet utilities from terminating service in a dwelling unit or residence.
- On March 16<sup>th</sup>, the Virginia State Corporation Commission issued an order requiring all electric, gas, water, or sewer utilities to suspend disconnection of service to any customer.
- On March 16<sup>th</sup>, the Rhode Island Public Utilities Commission issued an order requiring all electric and gas utilities to immediately cease termination of service for nonpayment.

- On March 16th, the Kentucky Public Service Commission issued an order prohibiting gas and electric utilities from disconnecting service for nonpayment.
- On March 17th, the Governor of New Hampshire issued an executive order prohibiting all electric, gas water, telephone, cable, and internet utilities from disconnecting service for non-payment for the duration of the pandemic.
- On March 17th, the California Public Utilities Commission issued an order prohibiting all energy, water, sewer, and communication utilities from disconnecting customers for nonpayment.
- On March 18th, the South Carolina Public Service Commission granted waivers of the regulations related to late payment charges and procedures for termination of service for all regulated utilities, and directed that all regulated utilities suspend disconnection of service during the COVID-19 State of Emergency.
- On March 18th, the Illinois Commerce Commission issued an emergency interim order prohibiting all gas, electric, water, and sewer utilities from disconnecting customers for nonpayment, and suspending the imposition of late payment fees and penalties.
- On March 19th, the North Carolina Public Utilities Commission issued an order requiring all electric and gas utilities to immediately cease customer disconnections due to non-payment of utility bills, and to waive all late fees incurred during the emergency.

We believe that the Michigan Public Service Commission has the ample statutory authority to take similar steps to those states described above. The Commission has the power “to regulate all rates, fares, fees, charges, services, rules, conditions of service, and all other matters pertaining to the...operation...of public utilities.” MCL 460.6(1). Additionally, the Michigan Administrative Procedures Act gives each agency the power to promulgate emergency rules without notice or participation in order to preserve public health, safety, and welfare. MCL 24.248. We believe that the Commission must issue emergency rules amending the procedures for shutoff of utility service described in Mich. Admin. Code, R 460.136 et al. in order to ensure all residents can comply with Executive Order 2020-21, which requires all residents to stay at home from March 24th until April 13th.

As such, we strongly encourage you to adopt the following policies to protect the public health, wellbeing, and safety of all Michigan families during the COVID-19 pandemic:

- 1. Establish a moratorium on gas and electric service shut offs, and late payment fees, through the duration of the State of Emergency.**

2. **Require publicly regulated utilities to restore electricity to customers whose service has been suspended due to lack of payment.** The public health crisis demands that all Michigan families have access to reliable energy, whether they were unable to pay before or after the pandemic reached our state. Work For Me, DTE urges the MPSC to require that utilities restore electricity to homes whose service was suspended without unreasonable reconnection fees.
3. **Establish percentage-of-income rates that utilities can charge customers who cannot afford standard rates during the COVID-19 pandemic.** It is unconscionable that families should be allowed to emerge from the crisis in a recessed economy, deeply in debt to their utility providers. During the State of Emergency, most families will spend more time in the home due to quarantine and social distancing, and may well experience record-high bills. Work For Me, DTE urges the MPSC to limit what utilities are allowed to recover from economically vulnerable families who find themselves in this situation, lest there be a wave of shut-offs once the suspension is lifted.
4. **Issue guidance on how utilities will communicate with customers about financial relief plans and shut-off suspensions.** Many people have already lost their jobs due to the COVID-19 pandemic and will need to make difficult decisions to ensure their families' basic needs are met. Every utility customer has the right to understand what assistance and protections are available to them, including families with limited internet access, computer literacy, and English language proficiency. We urge the MPSC to require that utility bills include language that clearly communicates shut-off suspension information and provides resources where customers can follow up to learn more information.
5. **Make clear that customers' rates will not be raised to recover utility revenue shortfalls.** Michigan law allows regulated utilities to recover costs and earn a profit from the rates they charge customers. But utilities still assume some risk. The pandemic is an act of nature that will certainly impact utility shareholder profits, but that is not the fault of customers. The MPSC must make it clear that utility shareholders will not be able to recover losses they incur during the pandemic from customers.
6. **Advance long-term energy affordability through the promotion of distributed, renewable energy systems and percentage-of-income payment systems.** The COVID-19 pandemic is only exacerbating an ongoing issue of energy unaffordability in the context of an ongoing crisis of climate change. Distributed, renewable energy systems are the best alternatives for long-term sustainable, affordable, and resilient energy production. We urge the Michigan Public Service Commission to proactively advance such systems which protect Michigan energy consumers in the long term.

Thank you for your consideration of these recommendations.

Signed,

The Work for Me DTE Campaign  
Citizens Resistance At Fermi Two (C.R.A.F.T.)  
Clean Water Action  
Detroit's Neighborhood Comeback Development  
Ecology Center  
MI Environmental Council  
Michigan Environmental Justice Coalition  
Michigan Interfaith Power and Light  
National Housing Trust  
Natural Resources Defense Council  
Soulardarity  
Southwest Detroit Community Benefits Coalition  
Sunrise Detroit  
WaSaTi Block club  
Wayne County / Detroit Green Party  
We the People of Detroit  
We The People of Michigan  
We Want Green Too

Cynthia A. Johnson, Michigan House of Representative, District 5  
Natalie Sampson, Ph.D., Public Health Professional  
Rev. Bill Wylie-Kellermann  
Gracie Wooten  
Jamesa Johnson-Greer  
Sonya Hawkins  
Roslyn M. Ogburn

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Bridget Saunders Vial

**Michigan Environmental Justice Coalition**

Energy Democracy Organizer

cell: 313-720-4330

Pronouns: she/her or they/them

**Reference: [National Sign-on Letter to Governors, Mayors, & Utility Regulators and Boards: In Coronavirus Emergency, Call for Urgent Moratorium on Electricity and Water Shut-Offs and Systemic Policies Encouraging Distributed Clean Energy Systems and Sustainable Water Payment Plans](#)**

Dear Governor Hogan of the National Governors Association, Mayor Barnett of the United States Conference of Mayors, Mr. Presley of the National Association of Regulatory Utility Commissioners, Mr. Matheson of the National Rural Electric Cooperative Association, Ms. Ditto of the American Public Power Association, and Mr. Schneider of the Association of Metropolitan Water Agencies:

On behalf of our millions of members and supporters nationwide, we, the undersigned utility justice and environmental organizations, write with deep concern about the impacts of the coronavirus national emergency on the access to electricity and water services for millions of low-wealth households. The coronavirus pandemic is already resulting in the widespread loss of wages and jobs across the country and will disproportionately impact low-wealth households. As these losses impact the ability of families to pay for essential utility services, it is critical that access to electricity and running water for handwashing are crucial to protect households and our communities from the spread of disease.

We request that your associations—and their component governors, mayors, utility regulators, and rural electric cooperative and public power utility boards—take steps to implement a moratorium on all electricity and water utility shut-offs, waiver of all late-payment charges, and reinstatement of any services that have already been cut off due to nonpayment. Further, while a moratorium provides a necessary temporary respite during this COVID-19 crisis, it does not tackle the systemic issues driving these all-too-common energy injustices across America. Therefore, we urge your associations to compel your members to implement policies that both increase the deployment of and access to distributed clean energy systems and that establish percentage-of-income payment plans for water and other utility services, which enhance the long-term energy and climate resilience for all low-wealth families, communities, and tribes across the country.

The global COVID-19 emergency has impacted and will continue to impact the economy—and in particular, will disproportionately harm low-wealth families, especially in communities of color and American Indian and Alaska Native communities. Everyday businesses and services are increasingly closing to safeguard the public health, with only one-third of the workforce able to work remotely, according to the Bureau of Labor Statistics. As a result, millions of low-wage jobs—including retail and restaurant service workers, security guards, nurse aides, education aides, and janitorial workers—are at risk of being reduced or lost over the course of this national emergency.

As Congress works on passing relief bills to assure enhanced unemployment benefits and paid sick leave for some Americans, it is essential that state and city governments and utility regulators and boards also act to prevent low-wealth families from facing the threat of losing their essential electricity and water during this turbulent period. Families should never be put in the impossible position where they must choose between getting care for the coronavirus or other illness and sustaining access to their power and water services.

Unfortunately, that is a trade-off that is commonly made across America, and the coronavirus emergency exacerbates and highlights the urgency of these issues. In recent years, hundreds of thousands of American families have been forced to discontinue their service because of their inability to pay electricity bills, as utilities continue to raise rates and fixed fees. Further, a national survey found that the average water system disconnected 5 percent of households for nonpayment in 2016, affecting an estimated 15 million Americans. The consequences of poverty are literally fatal; without electricity access, lives have been lost due to extreme heat and cold, as well as disconnection from life-saving devices like respirators and medicines requiring refrigeration. Moreover, the climate emergency has exacerbated the country's extreme weather conditions—through unprecedented wild

fires, heat waves, and increased frequency and intensity of storms—that necessitate a greater demand in electricity for survival and a basic standard of living, most especially in American Indian and Alaska Native and rural regions. That is why we request that your organizations take the following actions in this coronavirus emergency.

First, we request your associations call for an immediate moratorium on all electric and water utility shut-offs and waiver of late-payment charges. A handful of state governments, including Connecticut, Louisiana, Massachusetts, Mississippi, New Jersey, New York, Ohio, and Wisconsin; city governments, including Austin, Denver, Portland and Seattle; and more than 100 municipal water providers have already issued orders prohibiting utility companies from shutting service off during the coronavirus emergency. In addition, several investor-owned and public utility companies have voluntarily suspended service disconnections for nonpayment, including ConEdison, Dominion Energy, Duke Energy, Georgia Power, and Southern California Edison. However, many of the country's 3,300 private and public electric utilities have not suspended disconnections. We ask you to urge your associations of governors, mayors, utility regulators, and rural electric cooperative and public utility boards to immediately implement a blanket moratorium on electricity and water shut-offs, waiver of all late payment charges, and reinstatement of any disconnected services, as the proper response to the national emergency declared by President Trump last week.

Second, we request your associations call for systemic policies to prevent electricity and water shut-offs in the long-term by increasing the deployment of distributed clean energy systems for all low-wealth and other communities across the country. As detailed above, the immediate moratorium on utility shut-offs is a temporary band-aid for a far deeper energy justice crisis facing low-wealth communities. The coronavirus outbreak has highlighted the reality that poverty, climate-induced weather events, and dependence on a centralized electric utility system that increases energy burdens on families to finance dirty energy plants is having fatal results. In addition to an immediate moratorium, we request an order addressing the deeper systemic issues that have led to the crisis of electricity shut-offs impacting the entire country. Specifically, we urge your members to commit to policies that transition communities to democratic and decentralized energy systems for a secure climate future—whereby low-wealth families are not beholden to utilities that continue to build more harmful and expensive fossil fuel plants and thwart efforts to establish cheap and clean distributed power systems. Distributed clean energy systems, especially rooftop and community solar, are vital to protecting families against these energy injustices. Community solar programs, for example, provide multiple community benefits in the form of energy cost savings, more predictable billing, local decision-making authority, and reliable jobs that pay family-sustaining wages and are unionized. Moreover, distributed energy systems, particularly in the form of micro-grids and solar plus storage, greatly enhance community, tribal and climate resilience. They provide resilient power when the grid is down or when centralized energy access is truncated, as is occurring in this epidemic, and can recover faster in severe climate-induced weather events, decreasing community dependence on centralized fossil power. Moreover, we urge your members to tackle our nation's water affordability crisis head-on by establishing percentage of income payment plans for water, sewer and stormwater bills, with arrearage forgiveness for low-income households. In light of the coronavirus emergency, now is the time for your member governors, mayors, utility regulators and boards to tackle the greater systemic issues underlying the threat of electricity and water service cut-offs.

Thank you for your consideration of this important request.