

STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH

DOCKET NO. M-100, SUB 158
DOCKET NO. E-2, SUB 1228
DOCKET NO. E-7, SUB 1236
DOCKET NO. E-22, SUB 583
DOCKET NO. G-5, SUB 617
DOCKET NO. G-9, SUB 767

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of
Investigation of Necessary and Appropriate Responses to the Novel Coronavirus COVID-19) COMMENTS OF THE
PUBLIC STAFF

NOW COMES THE PUBLIC STAFF – North Carolina Utilities Commission (Public Staff), by and through its Executive Director, Christopher J. Ayers, and respectfully submits its comments as provided for in the Commission’s April 5, 2021, *Order Reinstating Limited Residential Disconnection Moratorium* (April 5 Order). The Public Staff’s comments specifically address the responses filed April 27, 2021 by Duke Energy Carolinas (DEC), and Duke Energy Progress (DEP) (collectively, the Companies), and the Public Staff’s perspective regarding the progress of the public health and economic recovery and whether further extension of the Limited Residential Disconnection Moratorium (Limited Disconnection Moratorium) is necessary.

1. On March 29, 2021, the Public Staff filed *Additional Comments of the Public Staff* (March 29 Staff Comments) that, among other things, discussed the internal processes and reviews of customer complaints/inquiries that the Public Staff receives. The Public Staff further discussed its discovery on DEC and DEP

and summarized the information that was obtained through discovery. Some of that information, along with our own internal information, identified instances in which DEC and DEP customer service representatives (CSRs) did not provide correct information to customers relating to disconnections and payment plan arrangements, often referring customers to the Public Staff's Consumer Services Division when the Companies could not resolve a situation.

2. DEC and DEP were required by the April 5 Order to address the allegations made by the Public Staff regarding the accuracy of information that DEC and DEP CSRs were providing customers on topics related to customer accounts, repayment options, and available bill assistance programs. The Commission further ordered that DEC and DEP detail internal findings on the allegations and state all actions taken to correct any identified issues to ensure that their CSRs were properly trained on Commission requirements and bill assistance programs.

3. The Public Staff has reviewed the Companies' April 27, 2021, responses and believes the responses appropriately address the issues the Public Staff raised in its March 29 Staff Comments. The Public Staff would like to highlight three key points from the Companies' response: (i) efforts taken by the Companies that exceed the Commission's requirements; (ii) efforts to address misinformation from CSRs; and (iii) the involvement of the Public Staff when the Companies cannot resolve customer concerns.

4. Based on the Companies' responses, the Public Staff believes the Companies have taken proactive and appropriate steps to avoid disconnecting

customers who have unpaid bills. This includes extension of disconnection moratoriums beyond the end dates set by Commission order. The Public Staff is encouraged by the Companies' ongoing efforts to continue to use their best efforts in the future to avoid disconnection of our state's most vulnerable customers, even as the regulatory environment by which disconnections take place become more aligned with the established rules and regulations concerning disconnection for nonpayment.

5. With respect to the information provided by CSRs, the Public Staff accepts the Companies' responses and believes they have adequately addressed the Public Staff's concerns. The Companies' responses highlighted the work done to ensure its CSRs consistently convey clear information that complies with Commission requirements. This is a constant challenge for the Companies and the Public Staff, particularly in an environment when the information is frequently changing.

6. With respect to instances when customers are forwarded to the Public Staff's Consumer Services Division when the Companies cannot resolve customer issues, the Public Staff did not intend to imply that the Companies' efforts to involve our Consumer Services Division with an issue was intended to dismiss or ignore the customer's inquiry. The Public Staff continues to maintain good working relationships with the Companies with the intent of resolving customer issues. The Companies possess the abilities to resolve customer issues, and the Public Staff's efforts are intended to utilize them to the benefit of the customers.

7. Regarding the Commission's request for comments concerning the progress of the public health and economic recovery in the state and whether further extension of the Limited Disconnection Moratorium is necessary, the Public Staff provides the following perspective.

8. Based on information from the NCDHHS, the number of new daily COVID-19 cases has steadily declined since January 1, 2021, from 9,527 new cases to 425 new cases reported on June 11, 2021.¹

9. The Public Staff's Consumer Services Division has seen an overall decline in the number of complaints received relating to disconnections and payment arrangements; however, the Public Staff surmises the decrease could primarily be due to the Limited Disconnection Moratorium that is presently in place. Additionally, DEC recently suspended all disconnections due to the launch of its Customer Connect initiative. DEP also suspended disconnections in response to the timing of the Commission's February 23, 2021, *Order Suspending Disconnections and Providing for Extended Special Repayment Plans for Certain Vulnerable Residential Customers and Requiring Door Hanger Notices*, as well as DEC's transition to Customer Connect. Discontinuing the Limited Disconnection Moratorium may cause an increase in customer inquiries and complaints.

10. In its comments filed on March 29, 2021, the Public Staff requested the Commission to expand the disconnection moratorium beyond March 31, 2021 primarily because all of the customers who were eligible to receive critical

¹ NCDHHS Dashboard for COVID-19 Response.
<https://covid19.ncdhhs.gov/dashboard/cases>

monetary aid, including the aid provided by the American Rescue Plan Act of 2021, had not been identified and/or had not had an opportunity to apply for critical aid, and the critical aid had not yet been fully distributed to eligible recipients. The Public Staff applauds the Commission for expanding the Limited Disconnection Moratorium to afford our state's most vulnerable customers additional time within which to obtain assistance and pay off their outstanding bills.

11. On May 28, 2021, DEC filed in Docket No. M-100, Sub 61A, its Monthly Report of Residential Disconnections due to Non-Payment (Monthly Disconnection Report), which attached an April 2021 Monthly Report of Implementation of Limited Waiver of Commission Rule R12-11(m)(2) (Report on Limited Waiver). The Report on Limited Waiver showed that 87,092 (4.9%) of DEC's residential North Carolina customers were 60+ days in arrears and 88,847 (4.9%) of these customers were also on a payment plan. On the same date, DEP also filed its April Monthly Disconnection Report and attached a Report on Limited Waiver, which stated that the number of North Carolina residential customers 60+ days in arrears was 35,007 (2.8%), and the number of customers who were on a payment plan was 48,510 (3.9%). The Public Staff was encouraged to see that of the DEC and DEP residential customers who were in arrears at the end of April, most were also on repayment plans. Additionally, DEC's Report on Limited Waiver included a table that showed that over the past six months, less than .25% of its residential North Carolina customers who were on a payment plan were disconnected the following month. DEP's report included a similar table that showed that over the past six months, less than .04% of its residential North

Carolina customers who were on a payment plan were disconnected the following month.

12. The Public Staff is still unaware of whether our state's vulnerable customers have received the critical assistance they were awaiting since the expansion of the Limited Disconnection Moratorium. In comparison to the previous six months, the Public Staff has not received complaints or expressions of concern from customer advocates or other state agencies regarding customers who may need additional suspensions of their obligation to pay utility bills.

13. Given the vaccination numbers, current rates of COVID infection, and the recent payment plan numbers provided by DEC and DEP, the Public Staff believes that the Limited Disconnection Moratorium and other Commission measures have served their purpose in protecting customers through the economic transition. In light of these factors, the Public Staff believes it would not be unreasonable to lift the Limited Disconnection Moratorium at this time. However, the Public Staff notes that it will not be able to fully assess the state of the recovery and the ability of customers in arrears to avoid disconnections going forward until the Limited Disconnection Moratorium has been lifted. If the Limited Disconnection Moratorium is lifted, the Public Staff recommends that the Commission keep abreast of the rate of disconnections going forward and, as appropriate, revisit whether additional disconnection moratoriums need to be imposed.

Respectfully submitted, this the 15th day of June, 2021.

PUBLIC STAFF
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Electronically submitted
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CERTIFICATE OF SERVICE

I do hereby certify that I have this day served a copy of the foregoing upon each of the parties of record in this proceeding or their attorneys of record by emailing them an electronic copy or by causing a paper copy of the same to be hand-delivered or deposited in the United States Mail, postage prepaid, properly addressed to each.

This the 15th day of June, 2021.

Electronically submitted
/s/ Gina C. Holt