

March 20, 2020

DeAnn Walker, Chairman
Public Utility Commission of Texas
ChairmanWalker@puc.texas.gov

Arthur C. D'Andrea, Commissioner
Public Utility Commission of Texas
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Shelly Botkin, Commissioner
Public Utility Commission of Texas
CommissionerBotkin@puc.texas.gov

Re: Immediate action requested in Texas regarding utility shut-offs during the ongoing statewide and national coronavirus emergency

Dear Chairman Walker and Commissioners D'Andrea and Botkin:

States, cities, utility commissions, and utilities around the nation are demonstrating leadership and compassion by keeping customers' lights, gas, phone, internet, and water on during the coronavirus emergency. We write to urge the Public Utility Commission of Texas (PUC or Commission) to issue an order prohibiting utility disconnections during this unprecedented crisis. Continued access to hot water, information, and electricity will be absolutely critical to slowing the spread of COVID-19.

NAACP's "Lights Out in the Cold" report highlights the serious and sometimes tragic impact of utility shut-offs in low-income communities.¹ Low-income communities, communities of color, and vulnerable persons, including those who are sick, disabled or elderly, pay the highest proportion of their incomes to energy and they are most vulnerable to disconnection. "Whether it is extremes in heat, extremes in cold, or the need for electricity to power life saving devices like respirators or medicines requiring refrigeration not to mention just providing light, electricity/heating/cooling is essential, not just for quality of life, but also for maintenance of life!"²

The secondary effects of this national crisis will have the greatest impact on low-wage earners who are already at risk for falling behind on bills. Many low wage hourly earners will not receive

¹ NAACP, Lights Out in the Cold, Reforming Utility Shut-Off Policies as If Human Rights Matter (Mar. 2017), *available at*: https://www.naacp.org/wp-content/uploads/2017/12/Lights-Out-in-the-Cold_NAACP.pdf.

² NAACP Report at viii.

paychecks because of business closures or because they do not have paid sick leave.³ Utility shut-offs are devastating and would be even more severe in the midst of this public health emergency. It is vital that people have access to hot water in order to wash their hands.

The Energy and Policy Institute (EPI) is tracking data on suspensions of disconnections.⁴ Government bodies have ordered disconnection suspensions statewide in Connecticut, Louisiana, Massachusetts, New Jersey, New York, Wisconsin, Ohio and Wisconsin. Cities include Austin, Minneapolis (for its water utility), Seattle, Statesboro (GA), and Tallahassee. Many national and multi-state investor-owned utility companies have voluntarily suspended disconnections, including American Electric Power, Dominion Energy, Duke Energy, Evergy, FirstEnergy, Georgia Power, NV Energy, PECO, PG&E, Southern California Edison and others.

In Texas, however, many utilities and retail electric providers are regulated by the Commission. In addition, the Commission maintains broad oversight authority to ensure just and reasonable rates for many municipal utilities in Texas. In light of the growing uncertainty associated with COVID-19, and the necessity of uninterrupted utility service--at a minimum, (i.e., hot water and access to vital public health information-- to stop the spread of the virus, we urge the Commission to take a proactive approach and order all competitive retail electric providers and vertically-integrated utilities outside of ERCOT to halt all utility disconnections until the public health emergency is under control.

We further urge the Commission do everything in its power to ensure uninterrupted service provided by municipal utilities and co-ops in Texas. In Texas, El Paso Electric, SWEPCO, Xcel, and Entergy have provided assurances that service will not be suspended during this time, as have many municipally owned utilities such as CPS Energy in San Antonio and Austin Energy. These actions are to be applauded and should be further backed up with broad statewide directives from the Commission.

Finally, please consider the attached letter asking for urgent action to address electric and water shut-offs across the country. This letter is addressed to: 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. Thank you.

³ Roughly 33.6 million people, or 24% of U.S. civilian workers, do not have access to paid sick leave, according to the Bureau of Labor Statistics (BLS). See <https://abcnews.go.com/Business/companies-protect-vulnerable-hourly-workers-amid-coronavirus-outbreak/story?id=69555759>.

⁴ Energy and Policy Institute, Live: Utilities that have and have not suspended disconnects amid COVID-19 <https://www.energyandpolicy.org/utilities-disconnect-coronavirus/>.

Sincerely,

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