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BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of: DOCKET NO. 20200219-EI

Petition to initiate emergency rulemaking to prevent electric utility shutoffs, by League of United Latin American Citizens, Zoraida Santana, and Jesse Moody.

_____ /

PROCEEDINGS: COMMISSION CONFERENCE AGENDA
ITEM NO. 3

COMMISSIONERS PARTICIPATING: CHAIRMAN GARY F. CLARK
COMMISSIONER ART GRAHAM
COMMISSIONER JULIE I. BROWN
COMMISSIONER DONALD J. POLMANN
COMMISSIONER ANDREW GILES FAY

DATE: Tuesday, October 6, 2020

PLACE: Betty Easley Conference Center
Room 148
4075 Esplanade Way
Tallahassee, Florida

REPORTED BY: DEBRA R. KRICK
Court Reporter and
Notary Public in and for
the State of Florida at Large

PREMIER REPORTING
114 W. 5TH AVENUE
TALLAHASSEE, FLORIDA
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1 P R O C E E D I N G S

2 CHAIRMAN CLARK: Next Item No. 3, Ms. Helton,
3 would you introduce the item, please?

4 MS. HELTON: Yes, sir.

5 Item 3 addresses the petition to initiate
6 emergency rule-making filed by the League of United
7 Latin American Citizens and two electric utility
8 customers.

9 The petition requests the Commission to amend
10 Rule 25-6.105 to prohibit discontinuance of
11 electric service to certain customers for at least
12 90 days due to the COVID-19 pandemic.

13 The Commission has received comments from the
14 investor-owned electric utilities and letters from
15 customers, a legislator and other interest groups
16 in response to the petition.

17 Staff believes that the petitioner's proposed
18 emergency rule fails to meet the high standard for
19 emergency rule-making and, as discussed in greater
20 detail in the recommendation, would not be in the
21 best interest of the customers.

22 The utility currently -- the utilities
23 currently have effective and ongoing proactive
24 measures to avoid permanent disconnections, and
25 staff believes that each utility should retain the

1 flexibility to address the individual circumstances
2 of their customers.

3 Thus, staff is recommending that the
4 Commission deny the petition because emergency
5 rule-making is unnecessary at this time.

6 While staff is recommending denial of the
7 petition, this does not foreclose the Commission
8 from initiating rule-making on its own motion at
9 any time in the future as the situation with the
10 pandemic progresses and more data is gathered and
11 monitored by the Commission.

12 Representatives for the petitioners, interest
13 groups, investor-owned electric utilities and the
14 Office of Public Counsel are on the line and would
15 like to address the Commission. In addition, staff
16 is also available to answer any questions.

17 CHAIRMAN CLARK: Thank you, Ms. Helton.

18 Okay. We have a number of individuals that
19 have requested to speak today. I am going to ask
20 each of the parties to limit their comments to
21 around three minutes. I am going to put a timer on
22 you. I am going to be a little flexible, but I
23 will cut you off if you get much over three
24 minutes. The reason being we have a number of
25 people want to speak. I also want to make certain

1 that we have plenty of time for Commissioners to
2 ask questions of the individual parties.

3 So we are going to go one by one through the
4 list. After you have made your opening comments,
5 we will open your comments up to Commissioner
6 questions, and then we will move all the way
7 through the list.

8 So that everyone is a little bit prepared and
9 you have got your finger on the mute button ready
10 to speak, LULAC will go first, then Organized
11 Florida, then Connected in Crisis Coalition, that
12 is represented by the Florida Conservation Voters,
13 the Miami Client Alliance -- Miami Climate
14 Alliance, New Florida Majority, then SACE, Duke,
15 FPL/Gulf, TECO, and we will conclude today with
16 comments from OPC.

17 Are there any questions before we begin the
18 participation part?

19 Okay. With that in mind, Mr. Marshall, are
20 you on the line?

21 MR. MARSHALL: I am. Thank you.

22 CHAIRMAN CLARK: Thank you, sir. You may
23 begin.

24 MR. MARSHALL: Good morning, Commissioners.
25 Bradley Marshall on behalf of LULAC, Zoraida

1 Santana and Jesse Moody.

2 Thank you for your consideration of this
3 important matter. Many of the issues presented in
4 this docket have been thoroughly discussed in our
5 petition, the utilities' comments, comments by
6 other organizations and by staff's thoughtful
7 recommendation. We do, however, differ with
8 staff's recommendation that a disconnection
9 moratorium is not necessary at this time.

10 Since we filed our petition, Governor DeSantis
11 allowed his statewide moratorium on evictions to
12 expire. In doing so, his office explained, quote,
13 "Executive Order 20-211 pertaining to the State's
14 mortgage foreclosure and eviction relief was
15 permitted to expire to avoid any confusion over
16 whether the CDC's eviction order should apply in a
17 particular circumstance. The CDC's evictions order
18 expires on December 31st, 2020, unless extended."
19 End quote.

20 Our governor has recognized the importance of
21 the CDC's eviction moratorium, and we are asking
22 this Commission to do the same, by this Commission
23 ordering to halt to electric shut-offs, and thus,
24 preventing constructive evictions and an end
25 run-around in the CDC's eviction moratorium.

1 We've heard arguments that our proposed
2 moratorium would mean customers would no longer
3 have to talk to the utilities about their
4 situation, and thus, may fall further behind on
5 their bills and may not get the help that is out
6 there, but that isn't true.

7 Under our proposed emergency rule, customers
8 still have to talk to the utilities and certify
9 that they are making payments the best they can.
10 If a customer refuses to talk to their utility,
11 despite the utility's attempts, they can still be
12 disconnected under the proposed rule.

13 Just as an example of the difficulties
14 hard-working families throughout the state are
15 facing, our clients, Ms. Santana and Mr. Moody,
16 attempted to get relief from Mid-Florida Community
17 Action. They had actually applied for help from
18 them on September 1st but did not hear back. After
19 Duke again connected my clients with Mid-Florida
20 Community Action after the filing of the petition,
21 the organization found the application and called
22 my clients for more paperwork. As part of that,
23 they were told they needed Social Security cards
24 for everyone in the household. The family had
25 misplaced several, so they promptly sought new

1 Social Security cards, but this is a time-consuming
2 process made more difficult by the pandemic and
3 resulting office closures.

4 Moreover, even if the Ms. Santana-Moody
5 household ultimately receives aid from this
6 organization, awards typically cover only one to
7 two months of bills, which would leave the family
8 far short of catching up on their electric account,
9 and still in imminent danger of disconnection. If
10 disconnected, the family will have to move into
11 cramped quarters with Ms. Santana's parents, who do
12 not have space for her and her four children.

13 We don't know exactly how many people are in
14 the same situation as Ms. Santana and Mr. Moody.
15 Thanks to recently provided data, it looks like it
16 may no longer be over one million people, but more
17 likely in the hundreds of thousands. Either way,
18 these families need help. Now is not the time to
19 be turning people's power off when they can't pay
20 their electric bill, forcing people to be homeless
21 or move into crowded conditions.

22 Thank you.

23 CHAIRMAN CLARK: All right. Thank you very
24 much, Mr. Marshall.

25 Commissioners, any questions for Mr. Marshall?

1 Commissioner Polmann.

2 COMMISSIONER POLMANN: Thank you, Mr.

3 Chairman.

4 Mr. Marshall, you made -- you described your
5 request in the terms of a shutoff moratorium, and I
6 would like to clarify that the item before us is a
7 request for emergency rule-making. Could you
8 reflect on that for us, please?

9 MR. MARSHALL: Sure. So it's not a true
10 moratorium. The idea here is to follow the CDC's
11 what has been called eviction moratorium, but is
12 not a true moratorium in that evictions can still
13 occur. Like under the CDC certification that's
14 required, people have to certify that certain
15 conditions have -- apply to them; that they've had
16 a loss of income; that they don't have source of
17 money and that they are making payments the best
18 they can.

19 So if someone is unable to make that
20 certification, under our proposed emergency rule,
21 the utility could still disconnect their power. So
22 it's not a true moratorium; rather, it is an
23 emergency rule that would only permit disconnection
24 if someone is generally -- you know, would permit
25 disconnection if people can pay their bill but are

1 choosing not to.

2 COMMISSIONER POLMANN: Well, thank you.

3 Thank you, Mr. Chairman.

4 CHAIRMAN CLARK: Thank you, Commissioner
5 Polmann.

6 Other questions from other Commissioners?

7 Mr. Marshall, I have one question I would like
8 to ask.

9 So in light of a proposed rule, how will you
10 propose to handle the accumulated bad debt if we
11 were to adopt a new rule and allow this provision
12 to go into place? Let's assume that the failure to
13 disconnect results in an extensive amount of bad
14 debt, how do you propose to handle the bad debt
15 that is accumulated by the utility companies?

16 MR. MARSHALL: There are several ways that
17 that can be done. I know Office of Public Counsel
18 has suggested that, you know, shareholders could
19 absorb some of that, and I do think that's a
20 possibility.

21 You know, this petition, that's correct, does
22 not address the long-term debt situation that
23 already existed, you know, tens of thousands of
24 customers are more than 90 days behind on their
25 electric bill and, you know, unless they get some

1 kind of economic relief, you know, whether if this
2 petition is granted or not, they aren't going to be
3 able to catch up on their bill.

4 You know, this petition does require that
5 they -- they certify that they are making payments
6 the best they can, but I do think, to really get
7 everyone back on their feet, we do need to have a
8 conversation about some kind of debt relief for
9 customers, you know, with all stakeholders,
10 including the utilities. That's not this petition,
11 but -- but I do think that that needs to be
12 addressed somehow.

13 CHAIRMAN CLARK: Thank you, Mr. Marshall.

14 Other questions for Mr. Marshall?

15 All right. Thank you very much.

16 Next from Organized Florida, Shakhea Hilton --
17 Hinton.

18 MS. HINTON: Good morning, committee members.
19 I am Shakhea Hinton, Campaign Coordinator with
20 Organized Florida and also a coalition member of
21 the Florida Housing Justice Alliance.

22 The world is witnessing a pandemic that is
23 currently sweeping through every community
24 regardless of race, ethnicity, religion or class,
25 with 200,000 plus deaths only accounted for within

1 the United States. The number of unemployment
2 supersedes that within Florida alone.

3 The residents in which the major utility
4 companies service have been drastically affected by
5 COVID, and its physical and monetary loss it has
6 awarded our members. Housing and the use of
7 utilities during this pandemic should be two major
8 necessities that shouldn't be revoked from families
9 who are truly suffering from the economic loss due
10 to COVID, and a criminally rigged unemployment
11 system.

12 Black, brown, immigrant and working class
13 communities have been disproportionately impacted
14 during this national crisis, affecting residents
15 where language barriers have prevented them from
16 getting optimum assistance. As we have witnessed
17 within the past week, housing evictions and utility
18 disconnections have begun in these very
19 communities, leaving them to fight for the safety
20 of their children and not having their personal
21 belongings being tossed in the street.

22 On behalf of the Florida Housing Justice
23 Alliance, we urge you to stop and consider the
24 safety of the members who have patronized these
25 major corporations for years within a timely

1 manner. Where is the grace and compassion for
2 those who are relying on their electricity so that
3 their children can continue with remote learning
4 for school, or the elderly who live alone in their
5 home and need their utilities to function
6 independently, or perhaps your relative who was
7 recently laid off from Disney?

8 Floridians want to work. These bills will
9 still be due. Cutting folks' power will not lead
10 to payment of money that simply does not exist.

11 Floridians need more time to get back on their
12 feet. Today is your day to be the catalyst for the
13 necessary change in our world. This state needs
14 you to be. We are asking that you award the 90-day
15 extension of the disconnections effectively
16 immediately.

17 Thank you.

18 CHAIRMAN CLARK: Thank you, Ms. Hinton.

19 Any questions from the Commissioners?

20 All right. Thank you very much.

21 Next representing the Florida Conservation
22 Voters Zachariah Cosner.

23 MR. COSNER: Hello there. My name is Zac
24 Cosner. I am the Energy and Climate Policy
25 Advocate for Florida Conservation Voters. I am

1 speaking today on behalf of the Connected in Crisis
2 Coalition, a coalition of nonprofit organizations
3 and community leaders dedicated to the principle
4 that no family should be forced to go without power
5 in the midst of this pandemic crisis.

6 You heard comments, and will be hearing more
7 comments from members of this coalition, but we
8 wanted to provide more of a broad overview of what
9 we're doing and, you know, the importance of
10 maintaining moratoria on disconnections.

11 For months, our coalition members across the
12 state have petitioned Florida utilities, the
13 Governor and yourselves, the Florida Public Service
14 Commission, to protect Florida's families from
15 having their access to power severed. We called
16 for utility companies to establish varying
17 management programs that actually meet the needs of
18 Florida's residents, and employ debt forgiveness
19 for their most valuable customers.

20 We have heard from customers across the state
21 who have found themselves unable to pay for their
22 utilities as a result of unemployment due to a
23 pandemic crisis that is not their fault, and have
24 been unable to provide the upfront costs associated
25 with many of the arrearage management plans offered

1 by utilities.

2 You have heard -- Florida's mismanagement of
3 this crisis has truly set us apart from the rest of
4 the country. Most states in the U.S. advanced some
5 form of protection for customers at risk of being
6 disconnected from their power as a result of this
7 pandemic. Florida one of only 15 states that chose
8 not to.

9 We are now in the situation where several
10 states have far lower caseloads of COVID-19 than
11 Florida are continuing to prohibit these sort of
12 disconnections, including Arkansas, Kentucky,
13 Connecticut and others, while Florida, and
14 Floridians, are still subject to potential
15 disconnection in spite of our state continuing to
16 experiencing approximately 2,000 new cases every
17 day, and 100 deaths every day.

18 The most vulnerable people in the state, the
19 most vulnerable that potentially deadly impact of
20 utility disconnection are also the ones that are
21 the most difficult to reach and the ones that might
22 be -- have most difficulty participating in the
23 programs that the utilities offer; families
24 suffering from the impacts of chronic poverty,
25 families with language barriers, and families of

1 undocumented status. These families should not be
2 sacrificed in the interest of smoking out a few
3 perspective bad actors that might be taking
4 advantage of the system.

5 The utility companies claim they need the
6 ability to disconnect people because it's the only
7 incentive they can think of for people that
8 participant in their arrearage management plans and
9 their repayment plans. Well, this tactic is
10 unacceptable.

11 Severing power -- families from their power
12 renders their homes unliveable, and potentially
13 precipitates unnecessary death and spread of the
14 COVID-19 virus. While there might be a few can pay
15 and who will take advantage, there are many more
16 who are legitimately struggling. A small number of
17 people potentially taking advantage of the system
18 should not be the impetus for sacrificing
19 potentially thousands of families.

20 The representative from TECO in the July 29th
21 Public Service Commission's hearing said such
22 outright, by citing the derth of participants in
23 their arrearage management program at the time on
24 the fact that they weren't able, or they weren't
25 currently disconnecting people.

1 We find these claims to be somewhat absurd in
2 light of the fact that TECO's program at that time
3 required that families, customers who are already
4 struggling with payment pay 10 to 30 percent of
5 their unpaid bills upfront.

6 These utilities could establish programs that
7 automatically enroll folks and do away with upfront
8 repayment programs. They could provide incentives,
9 or carrots as opposed to sticks, for participation
10 in these programs and signing on to repayment
11 plans.

12 We should not be relying on punitive measures
13 right now when Floridians are already suffering,
14 and when these punitive measures could lead to
15 further exacerbation of this massive public health
16 crisis.

17 The programs utilities offering currently
18 aren't enough. They do not meet the needs of
19 Floridians. They fall short of guidelines that are
20 recommended by the National Consumer Law Center and
21 other experts on this -- on this subject.

22 And as the Office of Public Counsel noted on
23 July 29th at hearing, no industry has been so
24 perfectly insulated from the impact of this
25 pandemic crisis as Florida's utilities. Customers

1 in the state of Florida do not have the option to
2 switch providers, and they don't like the way that
3 their utilities have mis -- managed or mismanaged
4 this crisis focused on punitive measures in
5 response to the real suffering that all of us are
6 going through as a result of COVID-19.

7 They are a captive customer base, and it's up
8 to the Public Service Commission to ensure that
9 these utilities serve the welfare of the Floridan
10 people.

11 Thank you very much.

12 CHAIRMAN CLARK: Thank you, Mr. Cosner.

13 Any questions from the Commissioners?

14 All right. Next up Mayra Cruz, Miami Climate
15 Alliance.

16 MS. CRUZ: Hi. My name is Mayra Cruz. I am
17 the Climate Resilience Program Manager for Catalyst
18 Miami and also the Cochair of the Clean Energy
19 Working Group for the Miami Climate Alliance.

20 As we have heard before, we have many concerns
21 about the disconnections that are taking place now
22 the in our state. Last week, we, along with
23 Florida Conservation Voters and the Florida
24 Majority, held a virtual press conference to bring
25 awareness to FPL starting shut-offs on October 1st.

1 During the virtual press conference, three impacted
2 women spoke to their experiences during this
3 pandemic and the struggles that they have faced to
4 pay off their utility bills. I will highlight a
5 few of these stories.

6 One woman facing disconnection spoke of her
7 inability to keep the AC on during the sweltering
8 summer temperatures in order to try and keep her
9 bills down. She's someone that became unemployed
10 right before the pandemic and has been unable to
11 find suitable employment at this time. She's also
12 an elderly woman and has mobility issues. She
13 admitted to going to public locations to seek
14 relief from the heat knowing she may be exposing
15 herself to COVID-19 and might be at higher risk
16 because of that, because of her preexisting
17 conditions. Right now, she only qualifies for one
18 FPL program.

19 During the summertime, she paid slightly lower
20 bills but must pay the difference in the winter.
21 As someone who lost her job, she's unable to keep
22 up with her bills and has called FPL countless
23 times to ask for relief, but this is the one
24 program that she's only qualified for at this time.

25 These are the tough decisions community

1 members are facing at this time, basically trading
2 one public health emergency and disaster for
3 another.

4 As a public health professional, I am
5 extremely concerned about forcing impacted
6 community members into these extremely unsafe
7 situations.

8 Additionally, the community members that we
9 have worked with have not had success in accessing
10 FPL's relief programs for a number of reasons. One
11 customer mentioned calling FPL several times when
12 he she fell behind on her bills. She never saw the
13 25 percent reduction in her May bill as was
14 promised to customers, and hasn't heard back from
15 FPL since.

16 We have been told of fraudulent calls that
17 have made by individuals who have somehow gotten
18 ahold of FPL account numbers, leading to further
19 issues and people trusting in the system to wanting
20 to answer phone calls.

21 The application process itself is lengthy and
22 burdensome. The existing programs fall short of
23 the need presently. I implore you to grant the
24 90-day extension and to begin a substantial review
25 process of the available assistance programs.

1 I could keep going on with the number of
2 issues we've seen come up in trying to connect
3 customers to these existing programs, but I will
4 stop there. But know that the gap and obstacles
5 are there unless we address immediately, and I
6 implore you to please seek these out, talk to
7 impacted community members and have a better sense
8 of what the on-the-ground issues really are.
9 Merely making phone calls to customers, or sending
10 a letter to them will not go far enough in
11 connecting people to the real substantial needs
12 that they need at this time.

13 Thank you.

14 CHAIRMAN CLARK: Thank you, Ms. Cruz.

15 Any questions from Commissioners?

16 All right. Next up representing New Florida
17 Majority, MacKenzie Marcelin.

18 MR. MARCELIN: Hello?

19 CHAIRMAN CLARK: MacKenzie, are you on the
20 line?

21 MR. MARCELIN: Hello?

22 CHAIRMAN CLARK: MacKenzie, is that you?

23 MR. MARCELIN: Yes. Hello?

24 CHAIRMAN CLARK: All right. You have three
25 minutes.

1 MR. MARCELIN: Hi, I am -- (inaudible) -- and
2 also a member of the Miami Climate Alliance. I am
3 here to talk to you about disconnections of power
4 in the daily lives of Florida residents.

5 I want you to allow me to -- (inaudible) --
6 people are facing because of disconnections. When
7 we have no power, it leads to no ability to --
8 to -- to -- to cook your own food because you can't
9 access the stove. The food in your refrigerator is
10 likely to spoil in hours or days. There is no
11 escape from the extreme heat that people that --
12 that are -- are -- are in poor health need to
13 avoid. Adults and students working from home have
14 no means of access to their on-line work. The
15 perpetual darkness with the sunset, and that can
16 take a mental toll, on top of the exacerbating
17 pandemic that we are going -- and we have -- we
18 have people that are -- are -- that are facing
19 stark unemployment, significant health problems
20 throughout.

21 All this is -- (inaudible) without power is
22 not a home at all. We need power to survive. It
23 is vital, and it is necessary in our daily lives,
24 and especially during this pandemic.

25 I also want to reject the idea -- reject the

1 idea that are coming from the utility companies
2 that the threat to disconnect the only way that
3 these working class individuals will reach out to
4 seek help from these various companies.

5 These -- these -- these are -- again, these
6 are working class individuals that pay their bills
7 when they have it, and -- and -- and do their best
8 to -- to keep their lights on and keep their --
9 their home functional. But, again, under the -- in
10 the middle of this pandemic, it's left communities
11 vulnerable and families vulnerable, and -- and I
12 assure you they a seek out the help that -- they
13 try and seek out the help, but this pay-to-play
14 program that -- that FPL and other utility
15 companies are -- are implementing aren't enough.
16 We need legitimate relief and -- and -- and we
17 ask -- we ask the Commissioners that they extend --
18 that they issue this rule-making and -- and provide
19 90 days for a moratorium.

20 Thank you.

21 CHAIRMAN CLARK: Thank you very much.

22 Any questions from Commissioners?

23 All right. Next up, Mr. Cavros.

24 MR. CAVROS: Good morning, Chairman Clark and
25 Commissioners.

1 CHAIRMAN CLARK: Good morning, sir.

2 MR. CAVROS: George Cavros on behalf of
3 Southern Alliance for Clean Energy.

4 Commissioners, Floridians are facing
5 unprecedented challenges, and those challenges call
6 for a bold solution, not in the future, but right
7 now. The economic distress that has flowed from
8 the pandemic makes this a very difficult time to
9 afford bills for many hard-working families.
10 Floridians already pay some of the highest
11 electricity bills in the country. Millions of
12 Floridians were struggling with high energy burden
13 even before the pandemic hit. So we respectfully
14 request the following:

15 No. 1, halt disconnections, Commissioners.
16 The information in the petition filed in this
17 docket, along with the information provided
18 directly to you at the July 19th COVID workshop,
19 provide a compelling factual basis for emergency
20 rule-making to halt disconnections. Halting
21 disconnections will buy at-risk customers time to
22 find solutions, but also provide the utilities and
23 the Commission much needed space to develop longer
24 term policy solutions in particular on how to
25 address the high energy burden millions of

1 Floridians face.

2 Now, should the Commission find that the
3 petition at hand in this docket is not the exact
4 route that the Commission wants to take, that does
5 not foreclose the Commission from initiating
6 emergency rule-making now on its own to halt
7 disconnections. Your staff acknowledges that you
8 can do this in the future. I would respectfully
9 argue that that the future is now.

10 No. 2. We recommend that you couple repayment
11 plans with meaningful energy efficiency programs.
12 We want to make clear that halting disconnections
13 does not preclude the utilities from continuing
14 their outreach to customers. In fact, the
15 utilities should continue that outreach, and they
16 should couple with development of a repayment plan
17 with actively encouraging families to enroll
18 voluntarily in a low-income energy efficiency
19 program that provide deep energy savings, and helps
20 them cut energy waste and stabilize their bills.
21 And we made recommendations in our written comments
22 on what those programs could look like.

23 It's important to note that this arrangement
24 will also help ensure the success of any repayment
25 plan. And ensuring the success of a repayment plan

1 also ensures that the costs related to nonpayment
2 are not potentially spread across the general body
3 of customers.

4 So, Commissioners, we strongly encourage you
5 to signal your support for utilities expanding
6 investments in currently approved low-income
7 programs, and indicate the filing of modifications
8 to expand measure offerings and deliver in general
9 so those programs will be viewed favorably by the
10 Commission.

11 And lastly, Commissioners, in order to provide
12 meaningful programs to customers, we urge you to
13 update your conservation goal setting economic
14 screening practices in order to meet the needs of
15 at-risk customers you must remove barriers such as
16 decades-old economic screening practices that have
17 frustrated this commission in the goal setting
18 process. Without updating screening practices, the
19 state will never be able to use energy efficiency
20 as a meaningful policy tool to achieve successful
21 policy outcomes.

22 As you know, our organization is committed to
23 impactful energy efficiency goals and programs, and
24 are willing to work with you on updating current
25 practices. So, you know, we believe this suite of

1 policies, help from disconnections, helping
2 repayment with energy efficiency, and addressing
3 how you evaluate cost-effectiveness in setting
4 energy efficiency goals will lead to the best
5 outcomes for the state, but also for its customers,
6 and especially the utilities' most vulnerable
7 customers.

8 Thank you.

9 CHAIRMAN CLARK: Thank you, Mr. Cavros.

10 Any questions for Mr. Cavros from the
11 Commission?

12 All right. Seeing none, moving to Duke
13 Energy, Mr. Bernier.

14 MR. BERNIER: Thank you, Mr. Chairman.

15 Good morning, Commissioners. Matt Bernier for
16 Duke Energy Florida. With me today is Ms. Lesley
17 Quick, our Vice-President of Customer Care.

18 On September 29th, we filed our comments in
19 response to the petition explaining why we do not
20 believe the requested emergency rule is necessary
21 at this time. Most common outlining many of the
22 proactive steps DEF has taken, and continues to
23 take, to assist our customers during this pandemic.
24 I will also note that much of that information was
25 presented to you by Ms. Quick during your recent

1 COVID workshop.

2 In the interest of everyone's time, I won't
3 repeat those comments here today, but I do want to
4 highlight again that we do not want to disconnect
5 any of our customers. Rather, we want to work with
6 our customers to establish agreeable payment plans,
7 or to put our customers in contact with resources
8 that can provide assistance with paying utility
9 bills. However, in order to provide that help, we
10 need customers to reach out to us before they get
11 too far behind, or before assistance agencies
12 deplete their resources.

13 What we found, and I think this is consistent
14 with our peers, is that the five-day notice prior
15 to a disconnection is usually the impetus for
16 customers to reach out to us to start these
17 discussions. Our concern is that the emergency
18 rule, if enacted, would remove that touch point and
19 have the unintended consequences of allowing
20 customers to run up a larger outstanding balance,
21 while also possibly my missing out on the
22 opportunity to access assistance funds, which we
23 know are a finite resource, and there is no
24 guarantee that those funds will be replenished.

25 We are concerned that notwithstanding the

1 desire to help customers by eliminating the threat
2 of disconnection during this trying period, the
3 proposal would have the opposite effect by simply
4 shifting that threat forward in time with an even
5 larger outstanding balance.

6 For this reason, and as discussed in more
7 detail in our written comments, we do not believe
8 that the proposed emergency rule is necessary at
9 this time. Rather, we believe the utility should
10 retain all of the tools available to us to assist
11 our customers while avoiding the unintended
12 consequences of greater arrearage.

13 Ms. Quick and I are available to respond to
14 any questions you may have. Thank you.

15 CHAIRMAN CLARK: Thank you, Mr. Bernier.

16 Any questions from the Commission?

17 Commissioner Brown.

18 COMMISSIONER BROWN: Thank you.

19 Thank you, Mr. Bernier.

20 I have a question for Ms. Quick. And
21 obviously, you filed comments, and I read those in
22 this particular proceeding, but really heard you,
23 what you all are doing, at the workshop. Could you
24 just go over -- I worry about certain groups,
25 particularly the elderly, those who are working

1 from home, those who are affected by chronic
2 illnesses. Are you doing anything specific to help
3 aid those groups of customers? And just elaborate
4 on some of the offerings that you are doing right
5 now.

6 MS. QUICK: Thank you, Commissioner Brown.
7 Good morning.

8 CHAIRMAN CLARK: Ms. Quick, we are not able to
9 hear you. Could you speak up, please?

10 MS. QUICK: Yes. Yes. Can you hear me now?

11 CHAIRMAN CLARK: A little better.

12 MS. QUICK: Good morning. Yes, Commissioner
13 Brown. Thank you for your question. We are
14 definitely concerned. We have sent multiple
15 communications to all of our customers that are in
16 arrears to help prevent them, to avoid
17 disconnection. Matt said that earlier, that we
18 want to take all precautions and make
19 disconnections the last resort for all of our
20 customers, so we definitely have the programs where
21 we are protecting those who are elderly or medical
22 essential, to take extra caution to help them avoid
23 disconnection.

24 COMMISSIONER BROWN: Thank you.

25 And I assume you can track specific customers

1 who are in arrears, 30, 60, 90 days behind. Do
2 customer service representatives proactively reach
3 out to them to discuss their hardship and offer
4 payment plans and other community resources that
5 are available, or do you really rely on when there
6 is a disconnection that's going to occur?

7 MS. QUICK: No, thank you for that question,
8 Commissioner Brown.

9 Yes, we do note the customers who are behind
10 on payments, and we have been proactively reaching
11 out to all those customers that are behind on
12 payment to encourage them to get on a deferred
13 payment arrangement, make a payment, or more
14 importantly, to give us a call.

15 Our customer care representatives are there to
16 help our customers, either with a flexible payment
17 arrangement or connecting them with agencies who we
18 know have funding available.

19 So we are definitely proactively reaching out
20 to our customers in multiple channels, and our
21 customer care agents answering calls on a daily
22 basis helping our customers get set up on payment
23 arrangements and connecting them with additional
24 funds we know are available through agencies.

25 COMMISSIONER BROWN: Thank you, Ms. Quick.

1 Appreciate that.

2 And finally, with regard to reconnection fees
3 and late fees, how is the utility currently
4 handling that -- those fees?

5 MS. QUICK: So we are setting up our payment
6 arrangement if a customer calls and wants a payment
7 arrangement, those payments arrangements are going
8 to be interest free. In other words, we are not
9 going to apply any kind of late fee -- late fee
10 percentage to the balances that customers have had
11 in arrears. We waived those fees for months, and
12 continue to waive those fees with customers who are
13 on a payment arrangement.

14 COMMISSIONER BROWN: Great.

15 And when a customer gets disconnected, if
16 they've gotten disconnected yet, is the utility
17 waiving the reconnection fee?

18 MS. QUICK: Yes. So right now, customers will
19 have to pay a reconnection fee. We will -- as they
20 call our customer care specialists, if a customer,
21 you know, cannot pay the reconnection fee to be
22 reconnected, we will work with the customer, and
23 our care agents can escalate those calls to help
24 waive those fees for our customers.

25 COMMISSIONER BROWN: Thank you.

1 I am going to have all the same questions for
2 all the utilities. Appreciate it.

3 CHAIRMAN CLARK: Thank you, Commissioner
4 Brown.

5 MS. QUICK: Thank you?

6 CHAIRMAN CLARK: Other Commissioners?
7 Commissioner Fay.

8 COMMISSIONER FAY: Mr. Chairman, I have just
9 sort of the same request as Commissioner Brown. I
10 was just going to wait until the utilities had all
11 presented but thought maybe it would be appropriate
12 to just ask a follow-up here.

13 I know -- when I was in the Attorney General's
14 Office, there was a lot of discussion about the
15 targeted scams related to utility accounts with
16 customers. We talked a little bit about that with
17 the utilities. I think what I am hearing under
18 these examples, and I think Ms. Cruz actually
19 mentioned it in her comments, you know, how are the
20 customers deciding what is an appropriate utility
21 communication and what might be a scam? Because I
22 think for a long time, we've always said the
23 utility will not reach out to you. If somebody
24 reaches out to you and asks you for a money order
25 or some payment, that's not the utility, don't send

1 them that money.

2 Under these circumstances, I think the
3 Commission has considered and discussed the
4 proactive nature of the utilities engaging and
5 trying to resolve some of these, and so I have real
6 concerns that -- that some customers may not -- may
7 not answer those calls, may not trust that form of
8 communication based on what's been said for a long
9 time. So I think, unfortunately, Duke, you will
10 have to answer that question first, but I hope to
11 get the same kind of response from the other
12 utilities.

13 CHAIRMAN CLARK: Mr. Bernier, would you like
14 to address that --

15 MS. QUICK: All right. Thank you --

16 CHAIRMAN CLARK: -- or Ms. Quick.

17 MS. QUICK: I will address that question.

18 This is Ms. Quick.

19 So that is a great question. We have seen,
20 and we are monitoring the fact that we have seen
21 more scams going on in Florida and our other
22 jurisdictions also. They -- you know, scammers
23 know it's the time to make these calls to
24 customers.

25 I will say we are -- we have -- on our

1 website, we are educating customers on scams, and
2 we are also proactively communicating to our
3 customers through those same channels to educate
4 them on scams.

5 It's ironic that you asked me this, because I
6 got a scam call asking for a payment, let's see,
7 two weeks ago, and so, you know, they -- they will
8 ask for information that the utility would not ask
9 for. And so it is -- we are seeing an increase in
10 scams, but we are working to shut down those lines
11 working with the scam agency to shut down those
12 lines and help our customers avoid being scammed,
13 but we have seen an increase.

14 COMMISSIONER FAY: But how do you -- how do
15 you -- how do you make the customer comfortable
16 with -- with your communication? How do they
17 verify that?

18 MS. QUICK: Well, we would never call a
19 customer to ask them for a payment proactively. We
20 would never call them to seek sending over --
21 payment over the phone proactively. And for our
22 customers, that should be a huge red flag.

23 COMMISSIONER FAY: So most of the time, even
24 that line of communication would lead to -- even if
25 a plan is made to resolve that customer's bad debt,

1 they would still be going on-line to access that
2 information and make that payment. They wouldn't
3 be giving some sort of money order or credit card
4 information over the phone?

5 MS. QUICK: No. We would never be doing
6 outbound call or reach out to our customers
7 proactively to make a payment. They -- they would
8 call our call centers, or they could make a
9 payment, log into their account on-line.

10 COMMISSIONER FAY: Okay. Great. That's very
11 helpful. Thank you.

12 CHAIRMAN CLARK: Thank you, Commissioner Fay.
13 Other questions?

14 All right. Let's move to FPL, Mr. Burnett.

15 MR. BURNETT: Thank you, Mr. Chairman.

16 Good morning, Commissioners. John Burnett on
17 behalf of Florida Power & Light and Gulf Power.

18 I would like to begin my comments today by
19 reflecting on how seriously both FP&L and Gulf have
20 taken the COVID pandemic and the impact it had on
21 our customers. On March 16, 2020, FP&L and Gulf
22 voluntarily suspended all disconnections for
23 customers. Combined, FP&L and Gulf have made 4.2
24 million contacts with customers by letters, emails
25 and calls as of the end of August in an effort to

1 educate customers on available aid and available
2 payment options.

3 Since mid-March 2020, FP&L and Gulf have
4 offered longer and more flexible payment plans, in
5 addition to waiving late payment fees for customers
6 who reach out and express hardships and waiving
7 reconnect fees.

8 FP&L and Gulf have conducted focused outreach
9 to customers whose usage has significantly
10 increased during the pandemic offering energy
11 conservation tips, education and offering again to
12 get them to aid agencies.

13 FP&L and Gulf filed for a midcourse correction
14 to accelerate refunding fuel savings to our
15 customers' May 2020 bills. FPL, Gulf and their
16 affiliates and employees have donated more than 4.5
17 million to nonprofits and other organizations
18 working to help Floridians affected by the
19 Coronavirus pandemic.

20 FLP also recently announced programs to
21 provide bill credits to certain qualifying
22 customers who are experiencing hardships. And
23 finally as we have heard today, and the Commission
24 voted on, FPL has filed a petition to allow FPL to
25 accelerate the refund of cash deposits for

1 qualifying residential customers.

2 The petition and the comments you have heard
3 today fail to acknowledge these efforts that FPL,
4 Gulf and the other IOUs have voluntarily taken
5 since the start of the pandemic, and it does not
6 paint a true and accurate picture of what is
7 happening in reality today.

8 The proposed emergency rule also suffers from
9 a gross misunderstanding of how customers that are
10 subject to disconnection actually interact with the
11 companies. Specifically, the proposed rule assumes
12 that all customers in need proactively reach out to
13 the company to avoid a delinquent bill, and that
14 they seek all possible aid and assistance and pay
15 as much as they can prior to ever calling the
16 company. Unfortunately, this is not what happens.

17 Despite FPL and Gulf's outreach campaign that
18 I discussed previously, approximately 85 percent of
19 the customers who are more than 30 days behind in
20 their electric bill have not contacted the
21 companies to make payments arrangements for their
22 accounts. Unfortunately, it is FPL and Gulf's
23 experience that most customers experiencing
24 hardships do not engage the company or seek
25 assistance until they receive final notice in

1 advance of disconnection. This has remained true
2 during the pandemic, and the proposed rule will not
3 change this fact. To this problem, the proposed
4 rule would only add unnecessary complex
5 requirements that would hurt and not help our
6 efforts to work with customers.

7 For decades, FPL and Gulf have been getting
8 customers linked up with aid agencies and working
9 to establish payment plans to avoid disconnection.
10 This straightforward procedure that all of the IOUs
11 employ -- to this straightforward procedure that
12 all the IOUs employ, this proposed rule seeks to
13 add seven complex certifications that customers
14 have to make to the utility that are not required
15 today.

16 For example, under the proposed rule,
17 customers would have to certify their income level,
18 would have to provide personal details of why they
19 are experiencing financial hardship, would have to
20 provide personal details on alternative living
21 arrangement, and would have to acknowledge that
22 their entire bill will be due and owing after -- 90
23 days after the rule expires.

24 FPL and Gulf should not need all of this
25 personal information and these complex

1 certifications to work with our customers. And
2 this proposed rule will only complicate and
3 constrain our ability to help customers when they
4 need it.

5 Thank you for this opportunity to provide
6 comments today. My colleagues David Lee, and our
7 Vice-President of Customer Service Christopher
8 Chapel are here to answer your questions.

9 CHAIRMAN CLARK: All right. Thank you, Mr.
10 Burnett.

11 Any questions for FPL?

12 COMMISSIONER BROWN: Yes, sir.

13 CHAIRMAN CLARK: Commissioner Brown.

14 COMMISSIONER BROWN: Thank you, Mr. Burnett,
15 for kind of going in detail with all the things FPL
16 and Gulf are doing.

17 Can you -- Mr. Chapel, can you just focus on
18 that specific category of folks, customers who are
19 elderly, students working from home, those
20 afflicted with a chronic illness, and how the
21 utilities are reaching out to those particular
22 customer groups and providing additional aid?

23 MR. CHAPEL: Thanks for that question.

24 We have about 55,000 customers that are either
25 on LIHEAP, EHEAP. EHEAP, of course, being the

1 program for elderly customers. To the extent that
2 practicable, we have tried outreach to every one of
3 those customers in one form or another. As -- as
4 was just delineated, right, we got four-and-a-half
5 million customer communications.

6 For the EHEAP customers, some of them, I mean,
7 we've tried individual phone calls. So to be
8 clear, we have done everything we can to outreach
9 to them.

10 On medically essential, Commissioner Brown, we
11 have excluded them all together. They are not in
12 our collection system at all right now. They are
13 not eligible for disconnect, and we are going to
14 continue that.

15 We hope to work through -- through the other
16 process and -- and, you know, if it takes months to
17 get to them, it takes months to get to them, but
18 they deserve a one-by-one touch that -- that we
19 just can't do right now with the volume that we are
20 dealing with. So for the time being, they are just
21 completely excluded from the collections process.

22 COMMISSIONER BROWN: Well, thank you. I think
23 that is an excellent Best Practice that -- that
24 should be honed throughout the utilities in the
25 industry, so I appreciate that.

1 And you -- I guess Mr. Burnett talked to a
2 recently announced program to help folks with
3 certain qualifying customers with hardships. Can
4 you elaborate on that, please?

5 MR. CHAPEL: I am sorry, qualifying customers
6 with hardships?

7 COMMISSIONER BROWN: Yes.

8 MR. BURNETT: Mr. Chairman, this is a bill
9 credit program.

10 MR. CHAPEL: The bill credit program. So --
11 so for -- for customers that are 90 plus days in
12 arrears, they are -- they are getting \$200 off of
13 their bill, we will forgive it if they -- if they
14 can -- if they contact us and pay their remaining
15 balance. So think of it this way, if they have a
16 \$600 balance, they pay \$400 and we will forgive
17 200. If you are 60 plus days in arrears, it's --
18 it's \$100. And we are doing that for residential
19 customers and for non-demand small businesses. I
20 know you asked earlier about -- about some of the
21 small business programs.

22 So we have -- we -- we have done everything we
23 can for residential and small businesses. They
24 are -- they are -- we are treating them the same.
25 And the same goes true for the -- the deposit

1 refund. It's just that under the statute, under
2 the code, we don't have to ask permission on the
3 small businesses. We can just refund that. So
4 we've -- we've initiated the same program there.

5 COMMISSIONER BROWN: Thank you.

6 And I sit on a national committee for COVID
7 relief, and some of the things that you are
8 mentioning are really -- really overthinking and
9 Best Practices, including what we just approved on
10 the last item, so I appreciate that.

11 My understanding also is that FPL and Gulf are
12 suspending their reconnection fees, or are not
13 applicable, as well as the field service fees,
14 through the end of 2020, is that correct?

15 MR. CHAPEL: That is -- that is correct. Just
16 blanket through the end of the year. And I know
17 you asked earlier about late payment fees to -- to
18 do. We continue to waive those as requested by
19 folks who experience a hardship.

20 COMMISSIONER BROWN: Thank you so much.

21 MR. CHAPEL: And, you know, I think -- I think
22 importantly, Commissioner Brown, I want to say,
23 this isn't static for us. We continue to think
24 about it every day and find ways that we can
25 continue to be helpful. So, you know, we will --

1 we are doing what we can, and we are going to keep
2 thinking about it.

3 COMMISSIONER BROWN: Thank you. Us as well.

4 CHAIRMAN CLARK: Any questions?

5 Commissioner Fay.

6 COMMISSIONER FAY: Thanks, Mr. Chairman.

7 I just wanted to follow up with a few
8 comments. They mentioned that they have reached
9 out to some customers directly. Could you just
10 talk about that? I guess, if it's by phone, how
11 that communication has worked, and if you have been
12 successful. I know with that large elderly
13 population, sometimes the communication is
14 preferred by phone and not on-line, and so I don't
15 know if you have seen a response to that.

16 MR. CHAPEL: We see a mixed response. I
17 think -- I think what we try to do is to reach
18 customers where, when and how they want to be met.
19 And I think, to your point, that many customers
20 want to be met in different ways.

21 We've -- we've tried -- where we can, we try
22 email. We try phone communications. We try auto
23 dialer, and to some -- to some customers,
24 one-by-one outbound. Unfortunately, with so many
25 customers in arrears, you know, we can't call each

1 and every one of them.

2 And going on to the scam conversation earlier,
3 not everyone picks up their phone, and not everyone
4 believes it's us when we call. So it's -- it's we
5 are trying everything and -- and including
6 advertising, right, just to make sure. And every
7 message that we have sent for the last seven months
8 says, if you are in need of help, call us. Simply
9 put. Call us. Here's the phone number. So we are
10 doing everything we can.

11 COMMISSIONER FAY: Yeah. Thank you.

12 And, Mr. Chair, just one more follow-up.

13 CHAIRMAN CLARK: Yes, sir.

14 COMMISSIONER FAY: I appreciate it.

15 I know -- I know we had our workshop and
16 discussed some of these things, but it's a really
17 important issue so I want to make sure I get all
18 the information we can.

19 The energy conservation component, Mr. Cavros
20 mentioned it, but I know there has been discussions
21 about the education portion. When folks are
22 looking to resolve bad debt, or some issue of debt
23 within their bills -- I know there is information
24 on-line because I have gone and looked at all the
25 different websites regarding some of the relief and

1 services that are provided. Is there also
2 information given to them then about how to
3 potentially reduce their bill going forward so they
4 are able -- they are more likely to be able to pay
5 in the future?

6 MR. CHAPEL: In a -- in a blue sky scenario,
7 absolutely. When we -- when we talk to customers,
8 yes, we are always working that and trying to talk
9 to them.

10 If you were to call and say, my bill is high,
11 for example, that's the first -- that's the first
12 thing that we do, and we offer those resources.
13 Those resources are, of course, a part of our
14 demand side management program. And I think -- I
15 think they go hand in hand.

16 I think a lot of the discussion things that
17 were discussed earlier are practices that we have.
18 We -- we think about how we can lower customer
19 bills. That -- that is, of course, the best way to
20 keep from bills -- bills from getting high and out
21 of hand, so -- but that said, while -- while you
22 are in the midst of what we are going through --
23 through now, it's -- it's just not possible or
24 practicable to have every one of those
25 conversations to be a part of it; but, yes, we

1 continue to advertise around that, and push that as
2 hard as we can. It's integral to our success for
3 our customers.

4 COMMISSIONER FAY: Great. Thank you.

5 And you are seeing some of that with people
6 being at home more, you are seeing changes in the
7 bills?

8 MR. CHAPEL: We are seeing some of that. And
9 where we've seen customers' bills go up, for
10 example, we've proactively outreached to us -- to
11 them. Particularly early on when -- when folks
12 started working from home, if their bills went up
13 30 percent year-over-year, they got a phone call
14 from us with suggestions on how they could reduce
15 their use, because we knew that those were phone
16 calls we were going to get in a couple of months of
17 how come my bill is so high.

18 So where we can, we -- we absolutely lean into
19 it. Again, it's essential to our success.

20 COMMISSIONER FAY: Great. Thank you.

21 That's all I had, Mr. Chair. Thank you.

22 CHAIRMAN CLARK: Thank you, Commissioner Fay.

23 One question that I have, you talked about
24 your payment forgiveness program for those that are
25 in arrears past 90 days, you are discounting the

1 collection amount. How do you account for those
2 funds that you are discounting? Is that
3 accumulated bad debt? Is that going into the rate
4 base? How is that going to be handled in the
5 future?

6 MR. CHAPEL: We -- we presume that we are
7 going to handle that through -- through the surplus
8 mechanism, and -- and that it will not be to
9 customer bills.

10 CHAIRMAN CLARK: And that's for Gulf and for
11 FPL, both?

12 MR. CHAPEL: No. Gulf, unfortunately, doesn't
13 have that mechanism. We have not made a decision
14 on -- on Gulf whether or not we will do that.

15 Gulf is a little bit behind because of
16 Hurricane Sally, so -- so we are continuing to
17 think about that and evaluate it, but -- but at
18 FPL, yes.

19 CHAIRMAN CLARK: Okay. Thank you.

20 Other questions?

21 All right. Mr. Wahlen, from TECO.

22 MR. WAHLEN: Good morning, Commissioners. I
23 am Jeff Wahlen of the Ausley McMullen law firm
24 appearing for Tampa Electric Company. Karen
25 Sparkman of Tampa Electric is here as well today.

1 We join the other utilities, the Commission
2 and the other speakers this morning in
3 acknowledging the difficulties the pandemic has
4 caused for our customers in the communities we
5 serve. All of us have friends and family members
6 who have been touched by the virus either directly
7 or indirectly. We appreciate the opportunity to
8 explain the efforts Tampa Electric has made with
9 its community partners to help its customers deal
10 with the pandemic.

11 Likes other utilities, Tampa Electric has
12 worked proactively to help customers avoid
13 disconnection, and we believe our efforts are
14 working. Those efforts include a moratorium on
15 disconnections from March until September 14th, a
16 midcourse correction to the company's fuel cost
17 recovery factors, which resulted in bill credits in
18 June, July and August, and lower fuel charges
19 through December of this year, modified and
20 flexible interest free payment arrangements for
21 residential and business customers, and personal
22 calls for our residential and business customers to
23 help them identify and take advantage of the
24 assistance they need.

25 In addition, TECO Energy has donated \$1

1 million to community partners to help those in
2 need. Our employees and customers have donated an
3 additional \$10,000 to \$12,000 a month to these
4 efforts. These donations are to help our customers
5 pay their utility bills through a program
6 administered by the Salvation Army called Share.
7 Other groups have offered payment assistance as
8 well.

9 Our experience shows that the key to avoiding
10 disconnection is communication.

11 CHAIRMAN CLARK: Mr. Wahlen, hang on one
12 second. We are getting some severe walkover on top
13 of you here. Got it? All right. We've got it.
14 Continue. My apologies.

15 MR. WAHLEN: Okay. No problem.

16 Our experience shows that the key to avoiding
17 disconnection is communication. When we can talk
18 with customers, we can almost always help them
19 avoid disconnection by accessing third-party
20 payment assistance, or by establishing a payment
21 plan.

22 Once customers contact us, or we reach them,
23 the vast majority of past due customers can avoid
24 disconnection, or if they are disconnected are
25 reconnected within a day. Between January 1 and

1 October 1 of 2020, almost 29,000 Tampa Electric
2 customers received third-party bill payment
3 assistance totaling more than \$8 million.

4 Tampa Electric is concerned that the proposed
5 rule language could have unintended consequences.
6 Bill payment assistance funding is available now
7 but may not be in the future. The proposed rule
8 likely removes an incentive for customers to
9 communicate and work with the customer -- with the
10 company, thereby limiting our ability to help them
11 get assistance before it runs out. The proposed
12 rule may also allow past due balances to grow to
13 the point where they become ultimately unmanageable
14 for our customers.

15 We believe that our efforts are working and
16 the emergency rule is not needed. We are going to
17 continue working and being thoughtful about how we
18 can meet the needs of our customers.

19 Ms. Sparkman and I will available to answer
20 any questions you may have.

21 COMMISSIONER BROWN: Thank you, Mr. Wahlen.
22 The Chairman has stepped out and, Commissioners,
23 any questions?

24 I will start us off with the question I asked
25 the other utilities regarding what Tampa Electric

1 is doing to help work with the elderly, students
2 working from home and those afflicted with chronic
3 illnesses -- and he is back.

4 MR. WAHLEN: I will let Ms. Sparkman address
5 that question.

6 CHAIRMAN CLARK: Other questions?

7 MS. SPARKMAN: Thank you -- thank you for the
8 question, Commissioner.

9 So one of the things that we are doing is we
10 have set up a seven-member customers assistance
11 teaming that's dedicated to customer outreach
12 specifically addressing those customers that have
13 been disconnected for three or more days and have
14 not contacted us. And so we are doing proactive
15 outbound calls to all of these customers in hopes
16 that we can reach them and learn more about their
17 situation, and direct them either to the
18 appropriate customer assistance agency that can
19 help them within one or two days, and/or a
20 combination of assistance agency help and flexible
21 long-term payment arrangements.

22 COMMISSIONER BROWN: Like FPL, though, stated,
23 does the utility waive any disconnections for
24 certain groups at all that qualify, like those
25 medically necessary?

1 MS. SPARKMAN: Thank you for the question.

2 So what we do is we empower our customer
3 service professionals to waive fees if a customer
4 has expressed that they have a COVID hardship. And
5 so once the customer has communicated to us that
6 they have a COVID hardship, then absolutely our
7 CSPs are empowered to waive those fees.

8 COMMISSIONER BROWN: Okay. In a hardship, how
9 does the utility -- how are you defining a
10 hardship? Is it a specific criteria?

11 MS. SPARKMAN: No, ma'am. The customer just
12 has to let us know that they are having
13 difficulties with COVID, or they mention COVID and
14 they mention their inability to pay the fee, and
15 the rep is listening to those over the phone and
16 that determines their next steps.

17 COMMISSIONER BROWN: Okay. Thank you.

18 And with regard to late fees and reconnection
19 fees, how is the utility handling those?

20 MS. SPARKMAN: We have not made changes to any
21 of our businesses practices, and so just like we
22 would do prior to COVID, our customer service
23 professionals are empowered to waive fees based on
24 the customer expressing that they are having, you
25 know, COVID hardship, or if they mention any other

1 extraordinary life events that they are going
2 through. So we were doing this prior to COVID as
3 well, and so that business practice is the same
4 today as it was pre-COVID.

5 COMMISSIONER BROWN: Thank you.

6 CHAIRMAN CLARK: Other questions?

7 Commissioner Fay.

8 COMMISSIONER FAY: Thank you, Mr. Chair.

9 And I will just follow up on -- I think TECO's
10 comment was that after evaluating everything,
11 increased communication is the most important
12 variable to -- to getting these issues resolved.
13 Are you also having complications with how you
14 communicate with your consumers? And if so, how
15 are they responding to those?

16 MR. WAHLEN: Karen, you want to take that one?

17 MS. SPARKMAN: Certainly.

18 Thank you for the question.

19 So, yes, we -- we were having some of the same
20 communication challenges as our other utility
21 partners have already shared, and so, you know, one
22 of the things that has been successful for us has
23 been the outbound calls once the disconnections
24 have occurred.

25 So generally, when -- when customers have been

1 disconnected, they do contact us at that time to
2 set up either a flexible payment arrangement or to
3 really learn more about the various customer
4 assistance options that we have available. And so
5 that has worked well for us, because this is the
6 time right now for us to direct those customers to
7 payment assistance options, as there is still an
8 abundance of federal dollars available.

9 And so, you know, we are working very closely
10 with partners such as Hillsborough County,
11 specifically sending customers to apply for the R3
12 Utility and Housing Assistance, which I believe
13 expires December 31st of 2020, so we are trying to
14 really get customers tapped into those dollars.
15 And then we are also referring them to LIHEAP and
16 LIHEAP CARES. And so if we have customers that
17 have previously qualified for LIHEAP funds, those
18 are great avenues for us to refer them back to.

19 COMMISSIONER FAY: Okay. Great. Thank you.
20 I appreciate it.

21 That's all I have, Mr. Chair.

22 CHAIRMAN CLARK: Thank you, Commissioner Fay.

23 MS. SPARKMAN: Thank you for the question.

24 CHAIRMAN CLARK: I would -- I would like to
25 follow up on one of the comments that Commissioner

1 Fay brought up, and that is how the utility
2 companies are making contact, and I think there
3 needs to be a point of clarification. I don't want
4 anyone to have an underlying assumption that
5 utility companies do not make outgoing phone calls,
6 because I believe as we've heard, there are four of
7 the utility companies that actually are using the
8 outbound call method. I believe I only heard one
9 of the utilities actually say they do not make
10 outbound calls. So that is not a blanket statement
11 that the utility companies don't reach out to
12 customers that are behind on their bills and things
13 of that nature. I think that point really, really
14 needed to be clarified.

15 Other questions, final questions for TECO?

16 All right. Moving on to OPC. Ms.

17 Christensen, are you on the line?

18 MS. CHRISTENSEN: Yes, I am. Good morning,
19 Commissioners. I just wanted to make a brief
20 statement.

21 If the Commission approves staff's
22 recommendation that rule-making is not warranted at
23 this time, OPC would urge that the customer
24 disconnections be closely monitored during the
25 remainder of COVID-19 pandemic emergency.

1 We would like -- we would like to urge that
2 the number of permanently disconnected customers be
3 closely monitored to determine if an increase in
4 the number of permanently disconnected customers
5 increases. If it does, then the Commission should
6 take another look at doing something to intervene
7 in the disconnection problem.

8 OPC would also ask that the utilities continue
9 to be flexible with addressing customers who are
10 struggling to pay their electric bills due to the
11 imposition of COVID-19 restrictions by government
12 and businesses shutting down.

13 The utilities, in their responses, indicated
14 that they have been working with customers to find
15 assistance for bill payments, bill forgiveness for
16 a portion of the bills under certain circumstances,
17 and flexible repayment plans. We would expect that
18 the utilities would continue with these practices,
19 as well as others, to help keep the lights on for
20 customers during the COVID-19 pandemic, and the
21 time it takes to get back to before the pandemic.

22 Thank you.

23 CHAIRMAN CLARK: Thank you, Ms. Christensen.

24 Any questions for OPC?

25 Ms. Christensen, I will ask one question. I

1 am going to put you on the spot a little bit.

2 Would OPC make a recommendation as to how the
3 accumulated bad debt should be treated in this
4 regard?

5 MS. CHRISTENSEN: Well, I think we would have
6 to have internal discussions, Commissioner, within
7 our office as to what our position would be.
8 Again, now, we think that the customers of the
9 utilities and the general body of ratepayers that
10 have been paying their bills are also suffering
11 under COVID-19 conditions, so there needs to be
12 some sort of look about what type of sharing
13 amongst all the interested parties, including the
14 utilities, should be; but that would -- we would
15 need further discussions internally to formulate a
16 further position.

17 Thank you.

18 CHAIRMAN CLARK: Thank you very much for that
19 answer.

20 Commissioners, any questions?

21 All right. That concludes our public input
22 into this matter, and, Commissioners, I will now
23 turn to you regarding the recommendation from
24 staff.

25 Commissioner Brown.

1 COMMISSIONER BROWN: I have two questions for
2 staff.

3 First, obviously, disconnect -- we don't have
4 the disconnection amounts that are currently in our
5 monthly reports since we've held disconnections in
6 abeyance. Is that something that we can include,
7 or would that be a cumbersome process to gather the
8 details moving forward?

9 CHAIRMAN CLARK: Mr. Futrell -- Braulio, I'm
10 sorry.

11 MR. BAEZ: I will defer to Mark, but -- I was
12 going to add something -- (inaudible) -- start
13 tracking -- (inaudible) -- asking the --
14 (inaudible) -- provide information in that sort --

15 CHAIRMAN CLARK: Consensus seems to be, yes,
16 Commissioner Brown, we can start tracking that
17 information immediately.

18 COMMISSIONER BROWN: Thank you. I think that
19 was a good suggestion by Ms. Christensen, so
20 appreciate that.

21 And then I wanted to -- get clarification
22 regarding -- in the petition, it cites 22 states
23 that currently still suspend disconnections. Can
24 we have someone from our legal provide some
25 guidance on that? If that is an accurate number,

1 if things have shifted and whether the legislative
2 directive guiding -- giving that edict, or whatnot?

3 MS. DUVAL: Commissioner Brown, this is Margo
4 DuVal on behalf of legal staff.

5 I believe that our technical staff has taken
6 along at that information. I don't know if either
7 Tripp or Judy maybe want to take a shot at that.

8 CHAIRMAN CLARK: Mr. Futrell is ready to
9 answer that question, I believe.

10 Mr. Futrell.

11 MR. FUTRELL: Thank you, Commissioners. This
12 is Mark Futrell, I think Ms. Judy Harlow with the
13 Division of Economics is prepared to have that
14 information. She can share that with you.

15 COMMISSIONER BROWN: Thank you.

16 MS. HARLOW: Good morning, Commissioners.
17 Thank you for the question.

18 Yes, as of October 1st on the NARUC website,
19 which is an excellent source for tracking this
20 information, 16 states have expired
21 non-disconnection policies; 15 states, including
22 Florida, have some form of voluntary
23 non-disconnection policies or agreements with the
24 utilities either in place now or expired; 19 states
25 have active non-disconnection policies. Of these,

1 seven expire before the end of October, many in the
2 following week. Of the remaining 12 states that
3 have active disconnection policies, approximately
4 half of those were initiated solely through
5 legislation or Governors' orders.

6 I hope that was responsive.

7 COMMISSIONER BROWN: No. Thank you. It puts
8 it all into perspective. Thank you.

9 CHAIRMAN CLARK: Thank you, Commissioner
10 Brown.

11 Other questions from Commissioners for staff?

12 Okay. The motion is -- Commissioner Polmann.

13 COMMISSIONER POLMANN: Thank you, Mr.
14 Chairman.

15 One thing I am concerned about and reflecting
16 on the comments that we've heard today is a concern
17 for the distinction between the petition asking for
18 emergency rule-making and our authority for
19 rule-making and what I think many of the parties
20 seem to be discussing, and that is the moratorium,
21 and I -- and I reference that in my earliest
22 question.

23 Can we hear from -- from legal on the -- the
24 idea that -- I just want to confirm. We -- we do
25 not have any authority on what would be a statewide

1 moratorium on disconnections. Is there any
2 mechanism for us to do that other than through
3 rule-making?

4 MS. CIBULA: This is Samantha Cibula from the
5 Commission's legal staff.

6 We would have to -- if -- you used the word
7 moratorium, but what it is is they want, I guess,
8 the disconnections stopped, and we would have to do
9 that via a rule, an emergency rule, and that's what
10 they are asking for in the petition.

11 I don't know whether that answers your
12 question. We don't have the authority like the
13 Governor's Office or the Legislature to -- to enact
14 laws, but we do have authority to do rules.

15 COMMISSIONER POLMANN: Okay. Well, that's --
16 that was my -- my understanding. And my concern,
17 Mr. Chairman, is -- is that I think what -- what
18 the general perception is is that people are asking
19 for something, or -- or seeking something that is
20 not really on the table. You know, there is some
21 particular request for emergency rule-making with
22 proposed language that's before us, and many of the
23 comments that I have heard today are -- are not
24 really addressing the specific language that's
25 before us. So I just wanted clarification from

1 legal on that particular point, but I also wanted
2 to offer that comment, that I think there is at
3 least a bit of misunderstanding as to what the
4 question is that we are addressing here --

5 CHAIRMAN CLARK: Yes, sir.

6 COMMISSIONER POLMANN: -- so thank you for the
7 opportunity, Mr. Chairman.

8 CHAIRMAN CLARK: Great -- great point,
9 Commissioner Polmann. It's something that I
10 struggled with as well. And my basic understanding
11 of how this plays out, and I would ask legal staff
12 to comment on this, is that basically the
13 disconnect policies of the utilities is driven by
14 our rules, and by suspending our rules, we would be
15 able to allow a modification that did not,
16 basically require disconnects, at least for a
17 certain point in time; is that a fair statement,
18 Ms. Helton? Give me something close to that.

19 MS. HELTON: I am going to let Ms. Cibula or
20 Ms. DuVal answer that question who have studied our
21 rules much more so than I have for this.

22 CHAIRMAN CLARK: Ms. Cibula, are you
23 available?

24 MS. CIBULA: This is Samantha -- yeah, this is
25 Samantha Cibula.

1 Yes. So there -- there is a rule in place
2 now, and what the petition petitioner is asking is
3 that rule to be amended to -- to have the
4 certification process for certain customers, if
5 they meet the certification process, then they --
6 they couldn't be disconnected. So this is all --
7 it's all driven by rule. It's not -- we are not
8 changing any statutes. We can't change a statute.
9 So -- so it's rule driven.

10 CHAIRMAN CLARK: And the rules are directing
11 the utilities' policies, and that's what we are --
12 they would want a -- the waiver would be to do an
13 amendment to the rules to allowing a new provision
14 to protect the class of customers, basically?

15 MS. CIBULA: Well, they are asking for an
16 amendment. It's not aware. They want another
17 provision in our existing rule that addresses
18 disconnections to address this certain -- this
19 certain circumstance, where customers would have to
20 make some sort of certification, and if they make
21 the certification, then the utility would not be
22 able to disconnect them. And that would -- they
23 want it in the rule that addresses disconnections.

24 So it would be an exception in the -- in the
25 rule -- our existing rule for disconnections. So

1 it's all rule driven still. It would just -- they
2 would have another provision added into the rule.

3 CHAIRMAN CLARK: Great points. And I think
4 the --

5 MS. CIBULA: And we raised some concerns --
6 yeah, we raised some concerns in a recommendation
7 that there might be some unintended consequences in
8 that regard too, because the rule language that
9 they asked to be added in there could conflict with
10 other provisions of our rule that -- that are in
11 play right now.

12 CHAIRMAN CLARK: Thank you, Ms. Cibula.

13 Commissioner Polmann, I think your point of
14 the Commission's authority to actually -- we don't
15 have the authority to impose a moratorium on
16 disconnect is a great point as well.

17 Other questions? Final questions? Call for a
18 motion.

19 Is there a motion?

20 COMMISSIONER GRAHAM: Mr. Chairman, I move
21 staff recommendation on this item.

22 CHAIRMAN CLARK: Thank you.

23 Do I have a second?

24 COMMISSIONER FAY: Second.

25 CHAIRMAN CLARK: I have a motion and a second

1 to approve staff recommendation denying the
2 petition.

3 Any discussion?

4 COMMISSIONER BROWN: Mr. Chairman, I just
5 wanted to stress a few points before we vote.

6 I understand the desire for the request being
7 made by the petitioners, but as we heard, you know,
8 the timing, the impact and the form here, it
9 presents a challenge for us.

10 I would like to stress to the utilities,
11 though, the need to continue working, as Office of
12 Public Counsel alluded to, with the customers and
13 being creative with their payment plans, waiving of
14 fees, as well as conservation programs. I think
15 that's very important.

16 And we, as a commission, as we continue to
17 monitor these monthly reports, of course we can
18 also be fluid in that dialogue, and we have the
19 opportunity to initiate rule-making at -- at such
20 time. So with that, I do support the motion.

21 CHAIRMAN CLARK: Thank you, Commissioner
22 Brown.

23 Commissioner Polmann.

24 COMMISSIONER POLMANN: Thank you, Mr.
25 Chairman.

1 Reflecting on all that we've heard today, I
2 also want to -- want to be very clear that I
3 believe what the Commission is saying is that the
4 change in rule is not necessary.

5 I have read a number of things, and I have
6 heard some comments today, and I believe it is the
7 Commission's position that we are simply saying
8 that a change in our rule is not necessary. We are
9 not saying that disconnections are an appropriate
10 thing to do.

11 We have heard very clearly from our utilities
12 that they are clear on intent and on their
13 willingness to work with their customers. We
14 understand fully that many of these customers are
15 in very difficult positions, but I believe
16 sincerely that there are mechanisms in place, and
17 the staff recommendation and all of the analysis
18 that is in the document reflect the careful
19 consideration, and we are -- as I mentioned
20 earlier, we have certain authority, and we are
21 talking about a rule change. We are not talking
22 about a change in a paradigm. And the rule
23 language read carefully puts an additional burden
24 on customers. It doesn't relieve the customers of
25 the need to communicate with the utility. The

1 utility is already willing to do that, and I think
2 we are being fair and reasonable by saying a change
3 in the rule is not helpful.

4 So I support the motion. I support the
5 analysis. And I just want to be clear, Mr.
6 Chairman, that we are not suggesting that people be
7 cut off from power, by no means whatsoever.

8 Thank you, Mr. Chairman.

9 CHAIRMAN CLARK: Thank you, Commissioner
10 Polmann.

11 Other comments?

12 On the motion, all in favor say aye.

13 (Chorus of ayes.)

14 CHAIRMAN CLARK: Opposed?

15 (No response.)

16 CHAIRMAN CLARK: Motion carries.

17 All right. Thank you very much to all of the
18 parties for your participation today.

19 (Agenda item concluded.)

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CERTIFICATE OF REPORTER

STATE OF FLORIDA)
COUNTY OF LEON)

I, DEBRA KRICK, Court Reporter, do hereby
certify that the foregoing proceeding was heard at the
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IT IS FURTHER CERTIFIED that I
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DATED this 19th day of October, 2020.



DEBRA R. KRICK
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