

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held by telephone and internet audio conference on the 24th day of June, 2020.

In the Matter of a Working Case to Consider)
Best Practices for Recovery of Past-Due Utility)
Customer Payments After the COVID-19)
Pandemic Emergency)

File No. AW-2020-0356

**NOTICE OF EX PARTE AND EXTRA-RECORD COMMUNICATIONS
CONCERNS AND ORDER DIRECTING RESPONSES**

Issue Date: June 24, 2020

Effective Date: June 24, 2020

The Commission opened this working file on May 13, 2020, to consider best practices for Missouri utilities to use when moving to recover past-due amounts from customers following the COVID-19 pandemic emergency. The Commission's Staff was directed to investigate and to file a report by August 3. On June 16, Staff filed a motion asking the Commission to either terminate the investigation or to issue an order bringing this investigation within the limitations of the Commission's ex parte and extra-record communications rules, 20 CSR 4240-4, specifically sections 4.020 and 4.030.

Staff notes that two contested cases¹ have been opened in which Missouri utilities have asked the Commission to issue an accounting authority order (AAO) regarding costs and other financial impacts related to the pandemic. Staff is concerned that there will be overlapping issues between those cases and this investigation. Consequently, Staff fears it

¹ The cases are EU-2020-0350 filed by Evergy Missouri Metro and Evergy Missouri West, and GU-2020-0376 filed by Spire Missouri, Inc. d/b/a Spire.

will be confusing or difficult for parties to comply with the Commission's ex parte and extra-record communications rules. Further, Staff is concerned that the overlap of issues and possible solutions might lead the Commission to make a decision in the contested AAO cases that is not supported by the record in those cases. The Commission does not wish to terminate this important investigation, so it will consider Staff's alternative suggestion to issue an order bringing the investigation within the limitations of the ex parte and extra-record communications rules.

Parties to the two contested AAO cases are already subject to the restrictions of the ex parte communications rule (20 CSR 4240-4.020). Similarly, all persons initiating an extra-record communication are subject to restrictions on discussion of substantive issues² in those AAO cases by the extra-record communications rule (20 CSR 4240-4.030). Those rules do not contain any exception for otherwise improper communications made in the course of an investigation, so an improper communication in the course of this investigation would be a rule violation in the AAO cases regardless of whether the restrictions also apply directly in the investigation. In other words, the parties and other persons interested in the AAO cases cannot "get around" the rules by making a communication in the investigation. There could be some concern that parties and other persons interested in the AAO cases would be hesitant to provide information in the investigation because they fear violating the ex parte or extra-record communications rules, but that concern would not be alleviated by expanding the application of the rules to the investigation.

² The definition of "substantive issue" in 20 CSR 4240-4.015(14) is limited to the "merits of specific facts, evidence, claims, or positions specific to a case or noticed case that have been or are likely to be presented or taken in that case." This investigation is not defined as a "case" or a "noticed case" within the meaning of the regulation.

Furthermore, the Commission is aware of its obligation to decide the contested AAO cases on the record developed in those particular cases. Suggested solutions put forward in this investigation, but not proposed in the AAO cases, will not lead the Commission to stray from that obligation.

That leaves the question of application of the rules to those stakeholders interested in the investigation but who are not parties to, or interested in, the AAO cases. Attempting to expand the reach of the ex parte and extra-record communications rules to encompass those stakeholders in this investigation is unnecessary. The definitions of ex parte communication in 20 CSR 4240-4.015(6) and extra record communication in 4.015(7) specifically do not include communications regarding general regulatory policy, which would be the type of communications sought in the investigation. For that reason, simply saying that ex parte communications and extra record communications are not allowed in the investigation would be meaningless at best, and, at worst, could discourage permitted communications. The Commission will not terminate this investigation and does not believe that an order to apply the Commission's ex parte and extra-record communications rule to this investigation is necessary or appropriate.

Staff also requested that if the investigation proceeds, various stakeholder should be asked to answer specified questions to assist Staff in its investigation. The Commission will do so.

THE COMMISSION ORDERS THAT:

1. The utilities listed in Appendix A shall answer the questions contained in that Appendix no later July 15, 2020.
2. Persons and entities not listed in Appendix A who would like to be heard may

answer the questions listed in Appendix B not later than July 15, 2020

3. The Commission's Data Center shall provide a copy of this order to all persons and entities listed in Appendix A and Appendix B.

4. This order shall be effective when issued.



BY THE COMMISSION

A handwritten signature in dark ink that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

Silvey, Chm., Kenney, Rupp, Coleman, and
Holsman CC., concur.

Woodruff, Chief Regulatory
Law Judge

Questions for Utilities
Case No. AW-2020-0356

1. What date did the company initiate the suspension of discontinuances of service as a result of the COVID-19 pandemic emergency?
2. Please describe practices used prior to the suspension of customer discontinuances that were used to minimize past due accounts receivable.
3. Please describe efforts made since the suspension of discontinuances to mitigate past due accounts receivable.
4. Please provide examples of customer communication regarding changes in collection practices related to accounts subject to discontinuance.
5. Please describe any changes in procedures related to customer payment arrangements since initiating the suspension of discontinuances of service.
6. Please provide documentation of the number of customers with payment arrangements, on a monthly basis, by customer class, from March 2016 to 2020 YTD. For each period, provide the number of Cold Weather Rule and non-Cold Weather Rule payment arrangements for residential customers.
7. Please describe the alternatives discussed by company management to collect past due accounts receivable without unduly burdening vulnerable customers when discontinuances of service are resumed. For each alternative, please describe the associated advantages and disadvantages. Please describe how alternatives to collect past due accounts receivable will be communicated to customers.
8. What criteria will be used to determine the timing for resuming discontinuances of service?
9. If applicable, describe COVID-19 related changes to the company's community-funded assistance program (i.e. Dollar More, Dollar Help etc.). If eligibility requirements were modified in an effort to assist more customers, did the changes result in increased pledges on customer accounts, please explain.
10. Please identify the amount of revenues foregone as of June 30, 2020 due to the COVID pandemic by revenue type, such as late fees, reconnection fees, etc. (Note: This should not include any estimates of "lost revenues" due to a reduction in sales to customers attributable to the COVID pandemic or economic downturn, which is being requested separately below.) Also, please provide an estimation for the period of July 1, 2020 through December 31, 2020 for the revenues forgone.
11. Please provide the change in revenues on an overall basis, and by rate class, by month, starting with February 2020 through June 2020 and the amount attributable to the impacts of the COVID-19 pandemic. Also, please provide estimated revenue changes, by rate class for the period July 1, 2020 through December 31, 2020.
12. Please quantify for each of the following costs that has been incurred due to the COVID-19 pandemic to date: incremental bad debt expense, incremental costs to allow employees to work at home, additional cleaning expense, protective supplies for employees, costs related to new

assistance programs implemented to aid customers with payment of bills, costs incurred for possible sequestration, and any other cost tracked by your utility. Also provide a current annual projection for each of these costs.

13. Please quantify for each of the following categories the savings that has been realized due to the COVID-19 pandemic to date: external travel costs, external training costs, utilities expense for office use, or any other savings category tracked by your utility. Also provide a current annual projection for each of these savings categories.
14. Please provide a detailed estimate/projection of any Covid-19 related costs that might be covered by governmental reimbursement programs (federal and/or state). Have applications been made for any federal or state grants, loans or other measures of assistance associated with the COVID pandemic? If so, please provide a list of such.
15. Are limitations being placed on hiring, salary/benefit increases, discretionary construction expenditures, etc. due to the COVID-19 pandemic or any other reason? If yes, please provide documentation setting out the reasons for and the terms of such limitations.
16. Have employee layoffs occurred due to the COVID-19 pandemic? If so, how many employees were released? Have or will the implementation of any voluntary employee reduction programs in 2020 for Covid-19 or other reasons occur? If yes, please provide the timing of the program, and its rationale.
17. Please describe any programs now being implemented or planned to be implemented in the future to assist customers in returning to current status.
18. Please describe any programs now being implemented or planned to be implemented in the future to assist the most vulnerable or at risk customers.
19. For electric providers – Please provide any class changes in load overall and by customer class by month starting in February 2020.
20. Please provide, and update as appropriate, the timing of the company’s plans to restart collecting late fees from customers and when the company may begin disconnecting customers for non-payment.
21. If your utility has not already filed an application with the Commission requesting special accounting treatment of incremental COVID costs and/or “lost revenues,” do you plan to do so at some point in the future? If yes, please discuss the timing of the application and the types of financial impacts you would request be included.

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Questions for Non-Utilities

Case No. AW-2020-0356

1. Please describe the Low Income Home Energy Assistance Program (LIHEAP) and please describe any COVID-19 related changes to the program. Please describe any final or proposed changes to LIHEAP for the 2020-2021 Cold Weather Rule period.
2. Please describe any final or proposed COVID-19 related changes to the Low-Income Weatherization Assistance Program (LIWAP).
3. Please explain if there is a state and/or federal policy regarding the loss of rental assistance (i.e. Section 8 voucher) and potential eviction if a tenant's utility service is disconnected for nonpayment.
4. Please explain how utilities may best collect past due accounts without unduly burdening their vulnerable customers. Additionally, share other relevant concerns arising from the COVID- 19 pandemic; please include how the pandemic is effecting your organization and the people your organization serves.

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STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

**WITNESS my hand and seal of the Public Service Commission,
at Jefferson City, Missouri, this 24th day of June 2020.**




Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

June 23, 2020

File/Case No. AW-2020-0356

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Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).

Sincerely,

A handwritten signature in dark ink, reading "Morris L. Woodruff". The signature is fluid and cursive, with the first name "Morris" being the most prominent.

Morris L. Woodruff
Secretary

Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.