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April 23, 2020

The Honorable Chair and Members of
the Hawaii Public Utilities Commission
Kekuanaoa Building
465 South King Street, 1st Floor
Honolulu, Hawaii 96813

Dear Commissioners:

RE: Commission Investigation to Address COVID-19 Impacts on Consumers and Regulated Companies.

The primary purpose of this letter is to urge the Hawaii Public Utilities Commission (“Commission”) to file an order to temporarily suspend the authority of regulated companies (i.e., electric, gas, telecommunications, water, and wastewater) to: 1) terminate or disconnect services due to non-payment; and 2) assess any charges or fees that might be unreasonably assessed, including the accrual of interest on outstanding balances, during the ongoing COVID-19 pandemic.

As the Commission is well aware, the current pandemic is having a significant impact on Hawaii and across the world. It has been noted that Hawaii has one of the highest unemployment rates¹ that has been caused by the pandemic and the Division of Consumer Advocacy (“Consumer Advocate”) is concerned with the potential impact of the pandemic on customers, their bills, and their continued access to critical utility services during this crisis.

¹

See, e.g., <https://www.hawaiinewsnow.com/2020/04/16/unemployment-hawaii-tops-coronavirus-shutdown-continues/>.

The Consumer Advocate acknowledges that certain large utility companies have already voluntarily taken action to assuage some of the concerns related to the relief that is now being requested.² The Consumer Advocate notes, however, that: 1) not all of the entities regulated by the Commission have voluntarily addressed the relief that the Consumer Advocate is proposing; 2) the voluntary suspension by the utility companies creates uncertainty about when such voluntary actions may be “turned off” by those companies; and 3) there is uncertainty about what the utility companies’ actions may be once the voluntary actions are “turned off”. As an example, both Hawaiian Electric Company and Kauai Island Utility Cooperative have extended their initial suspension periods and the Consumer Advocate believes that it is in the public interest if the Commission extended the requested relief in this letter to all utility services since those services are even more critical during this period, where telecommunications services are facilitating telework, distance learning, and basic communications; electricity is critical for both residents and businesses; access to clean water for handwashing is crucial in protecting against the spread of COVID-19;³ wastewater services are a basic necessity during the mandatory stay-at-home period; and gas (both synthetic natural gas and utility propane) services enable cooking and heating water. Access to these essential services are critical and the Consumer Advocate is concerned that customers also could face significant outstanding balances with limited options once the pandemic is deemed under control.

In brief, the Consumer Advocate believes it is in the consumers’ interest for the Commission to establish guidelines that include, but are not limited to: 1) when it is appropriate for the regulated companies to resume termination of services due to non-payment, assess late fees/charges or any other fees or charges that might be unreasonably assessed during this pandemic; and 2) procedures that will govern how the resumption and collection of such fees and charges will proceed.

The Consumer Advocate believes that this same investigation could also be an appropriate proceeding for the Commission to understand the measures that each regulated entity has put in place to address COVID-19 safety measures and to ensure the continued provision of services even in the face of declines in revenues and customer payments, and other financial impacts affecting the regulated entities.

² See, e.g., the signatories to the Keep Americans Connected pledges at <https://www.fcc.gov/keep-americans-connected> and the press releases by the Hawaiian Electric Company (<https://www.hawaiianelectric.com/hawaiian-electrics-response-to-covid-19>), Kauai Island Utility Cooperative (<https://website.kiuc.coop/>), and Hawaii Gas (<https://www.hawaiigas.com/media-center/press-release/2020/hawaii-gas-maintains-customer-access-to-gas-energy/>).

³ <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html>.

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Due to the urgency of the situation, the Consumer Advocate has offered this brief letter in the hopes that the Commission might expeditiously grant the requested relief. The Consumer Advocate anticipates that further details and discussion would be facilitated in a proceeding that could be opened in the same order that adopts the requested relief proposed in this letter. The Consumer Advocate hopes for favorable consideration of the requested relief in order to create the opportunity to work with the Commission and the regulated entities to address both the consumers' and regulated entities' concerns related to the ongoing crisis.

Sincerely yours,

/s/ Dean Nishina
Dean Nishina
Executive Director

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