

August 14, 2017
Public Utility Commission of Oregon
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Re: AR 602 Utility Data and Reporting; CAPO's Comments on Staff Questions

CAPO, the Northwest Energy Coalition, and Spark Northwest appreciate the time and effort by staff to address data and utility reporting as part of a wide-ranging effort to approach low-income utility issues. Access to disconnection data will provide all parties a better understanding of customer behavior, leading to better utility service and, hopefully, more precise affordability programs. CAPO, NWECA, Spark Northwest have provided responses below at the request of staff:

1) Sunset clause

Utility reporting on disconnections should not have a sunset clause. CAPO, NWECA, Spark Northwest would strongly oppose any time restriction placed on reporting disconnections, because useful data does not always present itself within anticipated timeframes. More information means more opportunities for data to be used, and for studies that can determine social and economic factors that increase/decrease disconnections. It could take years, if not longer, for client behaviors to become obvious and, or, for programs to fully take effect. Moreover, a short reporting period with substantially more or fewer disconnections than average would skew data to the extremes and fail to provide an accurate picture of disconnections over time.

Placing a sunset clause into the rule would stymie CAPO's ability to learn more about the utility programs that Community Action Agency's administer. Agencies in the CAPO network are always responding to clients to create policies that prevent disconnects – such as, making LIHEAP payments on accounts before disconnection notices. Without consistent and continuous reporting, CAPO, and other organizations, will not have all the resources available to know if program changes are effective.

2) Data confidentiality

CAPO, NWECA, Spark NW strongly object to keeping the data closed to the docket parties. There are scores of organizations that could make use of this information. Quite frankly, neither CAPO, NWECA, Spark Northwest have the capacity to fully understand or analyze disconnection data in the most meaningful ways. There are, however, scores of better equipped organizations and experts who could use this data to create policy recommendations. There are several more low-income programs, like community solar and low-income weatherization, that may have positive impacts on low-income disconnections. The commission may consider adding reporting requirements that detail the difference in loss of service of customers that have receive aid through these programs. Additionally, as a public agency, and with there being no trade secrets involved in the information, the OPUC has a duty to inform ratepayers of disconnections.

An example which highlights the importance of publicly available disconnection data, is the NAACP's

“Lights Out in the Cold: Reforming Utility Shut-Off Policies as if Human Rights Matter”¹ report which found racial disparities in disconnections nationally and cited Oregon as an example of a state with progressive disconnection policies. The NAACP is the type of organization that would benefit from Oregon’s reporting – and reporting publicly -- and it is impossible to know whether Oregon’s policies or individual state or utility programs correlate with fewer or less disparate disconnections without robust data collection and analysis.

CAPO, Northwest Spark, and NWEAC do not agree with Cascade’s assertion that disconnection data would be a protected trade secret. All of Oregon’s utility disconnection policies are already part of the public record and easily obtained in the published tariffs available on the OPUC website. The numbers stemming from those already public documents should not be a protected secret. Shut-offs, themselves, aren’t a business practice, as required by the statute. There is no specific practice being guarded and the information is too broad for it to be classified for use as a trade secret. Further, providing utility data would not put utility customers at greater risk for scam. It is widely known that impoverished areas have higher disconnection data. Information needed to target low-income consumers is available on the census website. Overlaying the number of disconnections would not provide any more greater details of economic hardship not already available in census information and it would shed light on any possible demographic disparities in disconnections. Subsequently, the information is too broad to target individualized customers. We would like the commission to reject both arguments.

3) What “Assistance” programs should be included?

Most Oregon assistance programs provide relief in the form of a one-time payment onto a utility account. The bulk of these payments come from two sources, LIHEAP and OEAP. Subsequently there are several other smaller grants through charity organizations that also provide payments through various methods. CAPO, NWEAC, and Spark NW see “assistance” as a payment onto a utility account within a given year, since that would be accounted for in all utility and Community Action record-keeping.

4) Safe Harbor/provision for time frame to be able to get data/upgrade systems, etc.

CAPO, NWEAC, Spark Northwest request that utilities have the reporting framework in place by October 1st. This date coincides with the federal delivery of LIHEAP. At the very least, utilities could easily provide the base information of disconnections and reconnections.

5) Number of days in reconnect

Since utility disconnection data has been opaque, it is hard to know what number of days should be accounted for in the reporting. Utilities have often stated that most customer reconnections happen within two calendar days of being disconnected. Taking the utilities word for those figures, two calendar days seems reasonable to track. Additionally, tracking seven days would provide a broader picture of customer reconnection behavior.

6) Areas of reporting

¹ March, 2017. <http://www.naacp.org/wp-content/uploads/2017/04/Lights-Out-in-the-Cold_NAACP-ECJP-4.pdf>

Given that low-income communities, communities of color, and vulnerable persons, including elderly and disabled, pay a disproportionate amount of their income to utility service, they are more vulnerable to shut-off. Zip code data would allow for parties to track, more closely, how utility disconnection policies impact different vulnerable demographics. In order to preserve customer privacy, disconnections tracked by zip code can be overlaid with publicly available demographic data from the US Census. Census data collection is premised on the idea that the information collected may be used to improve our material and social lives, through better understanding of what resources are required in what areas. Connecting that information to utility disconnection data will only enrich Oregon's understanding of the impact of social, economic, and local issues on disconnections.

7)Reporting period versus the amount of data

Currently, OHCS and CAPO provide quarterly reports to the utilities on OEAP spending, which includes a breakdown of demographic information of the ratepayers accessing the program. It is reasonable to request that the utilities provide quarterly reporting with monthly breakdowns so immediate trends can be identified.

8)Usefulness of report

Reports provide consolidated, factual, and up-to-date information, and if well-organized, can be used for future planning and decision-making. At best, disconnection reporting may shed light on information not previously known. The OPUC, CAPO, CUB, NWECA, Spark Northwest and others will be able to collect data, draw conclusions and provide information which may be new to all concerned parties and provide value to the public and energy policy in the state of Oregon.

9)How should/can the winter moratorium be integrated into the report?

The weather moratorium is an important variable in disconnection reporting, because months in which the moratorium is in effect will skew data toward fewer average disconnections. Treating it as a qualitative variable that could be coded as in effect or not or as a quantitative variable that tracks the number of days in a reporting period which correlated with moratoriums will help to better organize and understand data during analysis. An additional piece of information that may be present is the number of customers that were saved from shut-off during moratorium months that are unable to pay when the moratorium expires. There could be a subset of ratepayers that are unable to pay after accumulating a large bill during moratorium periods.