

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
PUBLIC UTILITIES COMMISSION

IN RE: REGULATIONS GOVERNING :
TERMINATION OF RESIDENTIAL : DOCKET NO. 1725
ELECTRIC, GAS AND WATER :
UTILITY SERVICE :

ORDER

This matter came before the Rhode Island Public Utilities Commission (PUC) on a request from the George Wiley Center (Wiley Center) to promulgate an emergency regulation to allow affordable restoration of utility service for Rhode Island residential customers whose gas and/or electric service has been terminated. In its October 24, 2017 letter, the Wiley Center proposed that the PUC provide that residential utility customers be allowed to restore service upon making a down payment of 10% of the arrearage and agreeing to repay the remaining balance over eighteen to thirty-six months.¹ The Wiley Center requested that this plan be put into effect immediately and remain in place until the end of the calendar year. The Wiley Center also urged the PUC to remove the condition specifically limiting participation to those customers who either had not previously participated or who had participated but currently have a balance equal to or less than that upon enrollment in the prior year. The Wiley Center opined that allowing all customers, regardless of balance, to reinstate service with only 10% down, would make more Low Income Home Energy Program (LIHEAP) funds available to assist customers.

¹ All filings in this docket are available at the PUC offices located at 89 Jefferson Boulevard, Warwick, R.I. or at <http://www.ripuc.org/eventsactions/docket/4550page.html>.

The PUC provided a copy of the request to the service list of record, which includes parties to this docket and individuals who have requested notice of proceedings in this docket, inviting comments on the Wiley Center proposal. The PUC received comments from several members of the public who supported the proposal. On November 2, 2017, the PUC received a letter from Senate President Ruggiero and House Speaker Mattiello, urging the Commission to take action in accordance with the request, specifically including mention of the 10% down payment for restoration of utility service to assist low income customers in anticipation of the upcoming winter conditions. General Assembly leadership also recognized the PUC's commitment to balancing the needs of all ratepayers.

On November 16, 2017, The Narragansett Electric Company d/b/a National Grid (National Grid) wrote in support of the request, recommending that the Commission adopt the same reduced down payment plan terms and conditions as last year. National Grid also supported the Wiley Center's request that this reduced down payment plan be available through December 31, 2017.

On November 16, 2017, the PUC also received the Division of Public Utilities and Carriers' (Division) response to the George Wiley Center's request. The Division opined that the Wiley Center's request "may not, if approved by the Commission, provide superior relief than the relief currently available under the new Division payment plan protocols," which, the Division explained, routinely accept payment plans requiring down payments of 15%.

The PUC also received well-reasoned and compelling comments from, among others, the Rhode Island Center for Justice, by Jennifer L. Wood, Executive Director, and

the Rhode Island Chapter of the National Lawyers Guild, by James J. Vita, III. On November 17, 2017, the Wiley Center provided an additional letter in support of its request and attached a number of comments from “Rhode Islanders currently struggling with no service as a result of utility termination.”²

At an Open Meeting conducted on November 21, 2017, the PUC indicated that it could not promulgate an emergency amendment to its Rules and Regulations Governing the Termination of Residential Electric, Gas, and Utility Services (Rules), as it had done in the past. Rather, procedurally, it would rely on § 39-1-32(a), Emergency Powers of Commission, which provides that upon a determination “that public safety so requires” the Commission may issue an order effective immediately. The PUC found, after consideration and deliberation, that with the onset of colder winter weather, public safety required lowering the amount of funds needed for customers to have service restored. Also, given the adoption of a reduced down payment and payment plan every year for the past nine years, the PUC found that people have come to expect and rely upon adoption of the provision.

The PUC will continue to include the conditions on participation in the plan because the conditions are designed to control the continued growth of large arrearages. The conditions attempt to balance the interest of all ratepayers by allowing those without service a more affordable down payment than would otherwise be required for while reducing other ratepayers’ exposure to higher rates from potentially larger write-offs.

As decided last year, the PUC will not make any changes to the new Henry Shelton Act arrearage forgiveness plans. While the legislative changes have now been in

² Wiley Center Letter (Nov. 16, 2017).

effect since September 1, 2016, National Grid only has one month of data regarding the effectiveness of the amendments.

Accordingly, it is hereby

(22967) ORDERED:

From November 21, 2017 through December 31, 2017, any residential customer whose utility service has been terminated by National Grid for non-payment or who has a Termination date scheduled will be entitled to have such service restored by National Grid upon satisfaction of two of the following conditions:

- (a) for a customer owing less than \$1000, 10% of the balance owed must be paid and the remainder of that balance must be paid within 18 months;
- (b) for a customer owing at least \$1000 but less than \$2500, 10% of the balance owed must be paid and the remainder of that balance must be paid within 24 months;
- (c) for a customer owing \$2500 or more, 10% of the balance owed must be paid and the remainder of that balance must be paid within 36 months unless the Company chooses to extend such time period;
- (d) to participate in a payment plan under this Order, as per, Part V, Section 4(G) of the Rules, the customer either (1) did not participate in one of the plans listed in a prior year or (2) did participate and currently has a balance due on his or her account that is the same or less than the balance that customer had upon enrollment in the prior year plan listed

in the Rules, or (3) did participate last year and currently has a higher balance but makes an additional down payment to bring the current balance down to or below the balance at enrollment last year.

In addition to the down payments specified above, customers must pay current bills within the time period allowed by National Grid. A formal commitment to receive funds from any social service agency by December 31, 2017 for all or part of the additional down payment shall be considered compliance with the provisions of the Rules, provided that the customer has satisfied the other conditions set forth above.

EFFECTIVE AT WARWICK, RHODE ISLAND, ON NOVEMBER 21, 2017
PURSUANT TO AN OPEN MEETING DECISION ON NOVEMBER 21, 2017.
WRITTEN ORDER ISSUED ON NOVEMBER 27, 2017.

PUBLIC UTILITIES COMMISSION



A handwritten signature in purple ink, appearing to read "Margaret E. Curran".

Margaret E. Curran, Chairperson

A handwritten signature in black ink, appearing to read "Marion Gold".

Marion Gold, Commissioner

Abigail Anthony, Commissioner

NOTICE OF RIGHT OF APPEAL: Pursuant to R.I. Gen. Laws §39-5-1, any person aggrieved by a decision or order of the PUC may, within seven (7) days from the date of the order, petition the Supreme Court for a Writ of Certiorari to review the legality and reasonableness of the decision or order.