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PUBLIC UTILITIES COMMISSION

November 27, 2006

Luly E. Massaro, Commission Clerk
Rhode Island Public Utilities Commission
89 Jefferson Boulevard
Warwick, RI 02888

RE: Docket No. 3761 In Re: Rules and Regulation Governing the Termination of Residential Electric, Gas and Water Utility Service

Dear Ms. Massaro:

Enclosed please find an original and ten copies of the comments of AARP Rhode Island on Docket No. 3761—In Re: Rules and Regulation Governing the Termination of Residential Electric, Gas and Water Utility Service.

If you have any questions concerning this filing please contact me at 401-276-3706.

Sincerely,

A handwritten signature in black ink that reads "Stephen M. Jennings". The signature is written in a cursive style with a large, looping "J" and "S".

Stephen M. Jennings
Associate State Director
AARP Rhode Island

Encl.

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
BEFORE THE PUBLIC UTILITIES COMMISSION**

IN RE: RULES AND REGULATIONS §
GOVERNING THE TERMINATION OF §
RESIDENTIAL ELECTRIC, GAS AND §
WATER UTILITY SERVICE

DOCKET NO. 3761

Comments of AARP Rhode Island

AARP¹ with more than 133,000 members in Rhode Island submits the following comments on the proposed new rule to prohibit the disconnection of utility service on a day when the National Weather Service (NWS) has issued an excessive heat advisory or excessive heat warning for Rhode Island.

AARP supports expanding utility disconnection protections to include days when heat and humidity pose a threat to health and safety. In summary, AARP's comments on the proposed rule are as follows:

- Heat related disconnection protections are needed because heat and humidity pose a threat to health and safety, especially among the elderly, the seriously ill and young children.
- The rule should be amended to incorporate terms as they are used by the National Weather Service, and to extend the prohibition on disconnections to periods when an "excessive heat watch" is issued.
- Consumer education and additional protections should be considered to ensure vulnerable consumers maintain service when disconnection prohibitions expire.

Need for a "hot weather" rule

Current rules restrict the disconnection of utility (gas, electric and water) service during the "winter moratorium" period, as well as any time when a physician certifies

¹ AARP is a nonprofit, nonpartisan membership organization that helps people 50+ have independence, choice and control in ways that are beneficial and affordable to them and society as a whole. We produce *AARP The Magazine*, published bimonthly; *AARP Bulletin*, our monthly newspaper; *AARP Segunda Juventud*, our bimonthly magazine in Spanish and English; *NRTA Live & Learn*, our quarterly newsletter for 50+ educators; and our website, AARP.org. AARP Foundation is an affiliated charity that provides security, protection, and empowerment to older persons in need with support from thousands of volunteers, donors, and sponsors. We have staffed offices in all 50 states, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands.

that a person in the household is seriously ill. A hot weather related rule is necessary to enhance these protections to health and safety.

The hotter the weather, the more electricity consumed, and the higher a consumer's electric bill. Studies have shown that when electric bills are higher than normal, there is an increased likelihood that families will have difficulty paying bills in full and therefore, risk disconnection of service.² Research also shows that consumers often cut back on electricity usage, even when necessary for health and safety, rather than run up high bills and risk disconnection. For example, a 2005 survey conducted by the National Energy Assistance Directors Association found that 19 percent of recipients of energy assistance reported that in the face of unaffordable energy bills, they kept their home at a temperature they felt was unsafe or unhealthy.³

Reducing usage by limiting cooling to unsafe levels while temperatures soar creates a significant public safety risk. According to the Centers for Disease Control the elderly, the very young, people with chronic diseases and those without air conditioning are those most likely to suffer in extreme heat. The impact of heat on health is considerable. According to Dr. Eric Klinenberg, Associate professor of Sociology at New York University and author of "Heat Wave: A Social Autopsy of Disaster in Chicago", in typical years heat kills more Americans than all other natural disasters, including earthquakes, hurricanes, tornadoes and flood combined. Dr. Klinenberg reports that in an average year there are 400 heat related deaths in the US, compared to 200 for all other natural disasters. In addition Klinenberg estimates an average of 1,500 annual "excess deaths from heat" occur, which he defines as deaths above the normal mortality number for a specified period of time, but not directly attributed to heat. In other words, heat was not listed as the primary cause of death, yet is likely a contributing factor.

Revision is needed of the term "excessive heat advisory" and "excessive Heat Watch" should be added to the rule

The proposed rule will create a summer disconnection moratorium "on those days for which the National Weather Service (NWS) has issued an *excessive heat advisory*, or *excessive heat warning* for Rhode Island." (Emphasis added) This is the same language proposed by National Grid in its comments of August 17, 2006. See for example, National Grid comments at p. 4. However, in other parts of the National Grid comments, as well as in the proposed rule, the terms "excessive heat advisory" and "excessive heat

² Roger D. Colton, Payment Problems, Income Status, Weather and Prices: Costs and Savings of a Capped Bill Program (2002) <http://www.fsconline.com/downloads/weather-price-impacts-on-low-income-paymentsstudy.pdf>.

³ http://www.neada.org/comm/surveys/NEADA_2005_National_Energy_Assistance_Survey-Key_Findings.pdf

warning” are used (National Grid comments, at p. 5 use the term “excessive heat advisory”).

AARP has attempted to verify the definition of these terms as used by NWS. What we have found is that the NWS does not use the term “*excessive* heat advisory”. NWS has confirmed that a “heat advisory” is issued in Rhode Island when a Heat Index of 100 to 104 degrees F is expected to be met for two hours or more during a day. An “excessive heat warning” is issued in the state when the Heat Index is 105 degrees F or greater. Further, an “Excessive Heat Watch” will be issued from 12 to 48 hours prior to the expected onset of warning criteria.

The rule should be amended to use the term “heat advisory” rather than the term “excessive heat advisory” as currently draft. AARP is concerned that because the rule proposes to use the term “excessive heat advisory” rather than the proper term “heat advisory”, there may be confusion as to when the disconnection prohibition is triggered, therefore limiting the effect of the rule. Potential health threats, including sunstroke, heat cramps and heat exhaustion, are likely at a Heat Index of 90-100 degrees F. There should be no debate that the rule’s protections are triggered during periods when a “heat advisory” has been issued.

In addition, the disconnection prohibitions should be extended to include those periods when an “excessive heat watch” is issued. This will ensure that consumers who are at risk of disconnection maintain service during the period of excessive heat, and further the goals of the proposed rule. It would be an injustice to permit utilities to disconnect service during an excessive heat watch, knowing full well that they would be prohibited from disconnection just 12 - 48 hours later.

AARP’s proposed amendment:

IX. Summer Moratorium

Every public utility subject to these regulations shall not terminate the service of any residential customer for non-payment on those days for which the National Weather Service has issue ~~an excessive a~~ heat advisory, excessive heat watch, or excessive heat warning for Rhode Island.

Additional protections should be considered

According to a recent report in the Providence Journal (November 19, 2006) utility (gas and electric) service disconnections in the state are at an all time high. The largest increase in disconnections has been among consumers who do not qualify for energy assistance funding. In other words, disconnections are now starting to hit the middle class. Clearly utility service is becoming unaffordable for a larger number of consumers in the Ocean State. While Rhode Island’s current protections prohibit

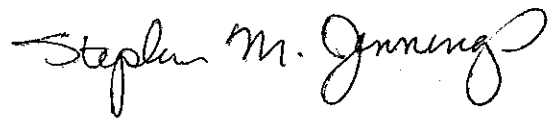
disconnection in the harshest weather, a growing number of consumers are having trouble meeting their current payment obligations, including deferred payment plans. Current rules should be re-examined to improve payment plans to ensure consumers are able to maintain service under reasonable terms, which includes payments that are based on ability to pay.

Conclusion

The proposed rules are intended to protect consumers from heat related illness and death during hot weather. However, under the proposed rule, disconnection would be permitted immediately once the advisory, watch or warning is lifted. Obviously, a new advisory or warning could be issued just a few days or a week later, subjecting the disconnected household to the same risk of heat related illness or death.

It is critical for the state to move forward with this rule and AARP's proposed amendments. Yet the Commission must not stop there. These enhanced protections will best serve the public when combined with improved deferred payment plans that enable the consumer to remain connected.

Respectfully submitted,



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