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**To:** [LARA-MPSC-EDOCKETS](#)  
**Cc:** [Churchill, Amanda \(AG\)](#)  
**Subject:** MPSC Case No. U-21122 input on topics for Technical Conference  
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**Attachments:** [2019-01-Final-NASUCA-Emergency-Disaster-Resolution-Approved-by-CP-5-1-19.pdf](#)

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Executive Secretary,

Pursuant to the Public Service Commission's August 25, 2021 Order in Docket Nos. U-21122, U-20147, the Attorney General submits the following input for the one-day Technical Conference on Emergency Preparedness, Distribution Reliability, and Storm Response.

First, the Attorney General attaches the National Association of Statute Utility Consumer Advocates (NASUCA) 2019 resolution regarding emergency disaster preparedness. While the Commission has rules addressing emergency situations and restoring power to customers, there does not appear to be anything directed to assisting displaced ratepayers. With the recent increase in extreme weather events this issue is especially relevant. The Attorney General is concerned that an extended electric outage during an extreme heat wave or cold snap could endanger lives. Thus, the Commission should consider implementing a plan now to address such a situation that could occur in the future as we experience more of these extreme weather events. As part of this discussion, the Commission should consider environmental justice considerations and the greater burden felt by low-income/vulnerable customers. Part of this preparedness should be a greater focus on the immediate needs of customers following a storm event.

Second, on the Distribution Reliability issue, the Attorney General is interested in discussing more metrics and benchmarking of storm outage events and restoration times to ensure that customers are getting the best service possible for electric rates they are paying every month. Creating additional performance-based programs and requiring a specified reduction in outages annually is necessary to ensure that the money being spent on tree trimming and other distribution upgrades are having the desired impact.

Michael Moody  
Division Chief  
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NATIONAL ASSOCIATION OF STATE UTILITY CONSUMER ADVOCATES

Resolution 2019-01

**URGING STATES TO ENACT PROTECTIONS FOR RESIDENTIAL ELECTRIC, GAS, WATER, SEWER, AND TELECOMMUNICATIONS SERVICES CUSTOMERS IN THE EVENT OF MAJOR DISASTERS, NATURAL OR OTHERWISE**

**Whereas**, electric, gas, water, sewer, and telecommunications services are vital to the health, safety, and welfare of all consumers and their households or residences; and

**Whereas**, major disasters,<sup>1</sup> natural or otherwise, at times cause extraordinary damage or destruction to households and critical utilities infrastructure, leading to widespread utility service outages and widespread evacuation of residents;<sup>2</sup> and

**Whereas**, major disasters have been increasingly more destructive to structures and continue to interfere with residents' lives;<sup>3</sup> and

**Whereas**, residents who experience major disasters and are dealing with the aftermath are particularly vulnerable to becoming delinquent in their utility bills and are at times subjected to unreasonable and unconscionable utility collection practices;<sup>4</sup> and

**Whereas**, it can take many years for residential customers to financially recover from a natural disaster;<sup>5</sup> and

**Whereas**, in the aftermath of major disasters, there is a need to expedite transfer of service for affected consumers to a new location; and

**Whereas**, two State advocates have petitioned their Public Utility or Public Service Commissions for relief and consumer protections in the wake of major disasters;<sup>6</sup> and

**Whereas**, given the extent of damage, destruction and displacement brought on by these and other major disasters, state utility commissions should develop emergency consumer disaster relief protections in advance of a major disaster so that emergency protections can be activated in a timely fashion;<sup>7</sup>

**Now, therefore, be it resolved** that NASUCA encourages all policymakers, and, in particular, state utility regulatory commissions, to adopt laws, regulations, and policies to protect consumers and household occupants, including occupants of master-metered and sub-metered buildings, to provide billing relief and to expedite transferring service for residents affected by a disaster; and

**Be it further resolved** that NASUCA encourages state utility regulatory commissions to establish disaster relief measures that are effective immediately after a local, state, or federal declaration of a state of emergency; and

**Be it further resolved** that utilities providers are urged to review their current policies and procedures to identify consumers affected by major disasters and provide assistance and relief to those consumers and to the local governments serving and aiding such consumers;<sup>8</sup> and

**Be it further resolved** that NASUCA encourages state utility regulatory commissions and utility providers to work cooperatively with customers affected by major disasters to resolve unpaid bills and minimize disconnections for nonpayment; and

**Be it further resolved** that NASUCA encourages state utility regulatory commissions and utilities providers to implement the following disaster relief measures with regards to electricity and gas services:

- For one year, waive deposit requirements, if applicable, for affected residential customers seeking to reestablish service and expedite move-in and move-out service requests;
- Suspend usage estimation for billing during the time period in which the household or residence is unoccupied as a result of an emergency;
- Develop rate treatments for discontinuance of billing during the time period in which a household or residence is unoccupied as a result of an emergency;
- Suspend and develop a rate treatment for proration of any monthly access charges or minimum charges during the time period in which a household or residence is unoccupied as a result of an emergency;
- Implement deferred payment agreement/plan options (“DPAs”) for residential customers during the time period in which a household or residence is unoccupied as a result of an emergency;
- Suspend disconnections for nonpayment and associated fees, except where such disconnections may otherwise be necessary for public safety or necessity, and waive deposit and late fee requirements for residential customers during the time period in which a household or residence is unoccupied as a result of an emergency;
- Support low-income residential customers who are enrolled in energy public purpose programs during the time period in which a household or residence is unoccupied as a result of an emergency by (1) freezing all standard and high-usage reviews and renewal eligibility for customers in impacted counties for at least one year, (2) contacting community outreach contractors and community-based organizations who enroll hard-to-reach, low-income customers in the energy public purpose programs, (3) increasing the limit amount for emergency assistance programs for customers affected by major disasters for one year, and (4) indicating how energy-savings assistance programs can be deployed to assist customers affected by major disasters;
- Track costs to consumers affected by major disasters and record them in an appropriate memorandum account; and
- Meet and confer with community choice aggregators and community distributed generation providers when an emergency necessitates such coordination; and

**Be it further resolved** that NASUCA encourages state utility regulatory commissions and utilities to implement the following disaster relief measures with regards to water and sewage services:

- Track costs to consumers affected by major disasters and record them in an appropriate memorandum account;
- Waive reconnection or facilities fees for customers affected by major disasters and waive deposits for disaster-affected customers to reconnect to the system;
- Provide reasonable payment options to customers affected by major disasters;

- Waive bills for customers affected by major disasters who lost their households, residences, or businesses; and

**Be it further resolved** that NASUCA encourages state utility regulatory commissions and utilities providers to implement the following disaster relief measures with regards to telecommunications services for customers affected by major disasters:

- Waive deactivation fees for telephone services, and activation and deactivation fees for remote call forwarding, remote access to call forwarding, call-forwarding features, and messaging services;
- Waive monthly rates for one month for remote call forwarding, remote access to call forwarding, call forwarding, call forwarding features, and messaging services;
- Waive service charges for installation of service at the temporary or new permanent location of the customer and again when the customer moves back to its premises;
- Waive fees for one phone jack and associated wiring at the temporary location regardless of whether the customer has an Inside Wire Plan;
- Waive fees for up to five free phone jacks and associated wiring for Inside Wiring Plan customers upon their return to their permanent location; and
- Delay the Lifeline renewal processes and suspend de-enrollment for non-usage rules; and
- For customers receiving telephone and/or Internet service from a cable or other broadband internet access services (“BIAS”) provider, provide Special Temporary Operating Authority Orders to defer franchise negotiations or expiration, as applicable; and

**Be it further resolved** that NASUCA encourages state utility regulatory commissions and utilities providers to implement the following disaster relief measures with regards to facilities-based wireless telecommunications services for customers affected by major disasters:

- Deploy mobile equipment, including Cells on Wheels and Cells on Light Trucks, and create such security measures to protect such telecommunications assets as may be convenient and necessary, to supplement service in areas that need additional capacity to ensure access to 911/E911 services;
- Provide device charging stations in areas where impacted wireless customers seek refuge from fires;
- Provide WiFi access in areas where impacted wireless customers seek refuge from emergencies related to major disasters;
- Provide “loaner” mobile phones to impacted customers whose mobile phones are not accessible due to emergencies related to major disasters;
- Provide publicly accessible banks of free pay telephones in affected areas; and
- Defer or phase payments for coverage charges relating to data, talk, text, and roaming for defined periods of time; and

- Extend payment dates for service for defined periods of time for impacted customers; and

**Be it further resolved** that NASUCA encourages state utility regulatory commissions and utilities providers to implement the foregoing disaster relief measures without creating a standing reserve fund for disaster relief measures; and

**Be it further resolved** that NASUCA encourages state utility regulatory commissions and utilities providers to obtain insurance and to make insurance claims on all costs and expenses incurred as a result of the disaster first before attempting to recover expenditures in rates, and to similarly seek and apply all disaster recovery funds that may be available from the Federal Emergency Management Agency (“FEMA”); and

**Be it further resolved** that NASUCA encourages state utility regulatory commissions and utilities providers to limit rate increases associated with recovering disaster-relief expenditures, net all disaster recovery funds provided by FEMA and subsequent to a forensic audit of the recovery process, by spreading the rate increase over time to reduce the effects on customers.

**Be it further resolved** that NASUCA encourages state utility regulatory commissions to request a waiver from the Federal Communications Commission’s tolling of the renewal and non-usage Lifeline rules for six months following a disaster for consumers affected by a disaster, and the suspension of any frequency usage audits or re-licensing processes for business or nonprofit entities using commercial or noncommercial private radio or broadcast licenses, until at least six months after the disaster declaration has been lifted.

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<sup>1</sup>Where a Mayor, Governor, or the President, has made a formal declaration of an emergency, and there is disruption to delivery or receipt of utility service to residential and small and large business customers.

<sup>2</sup> See e.g. Adriana Floridio, NPR, “Puerto Rico Estimates It Will Cost \$139 Billion to Fully Recover From Hurricane Maria,” dated August 9, 2018, retrieved from <https://www.npr.org/2018/08/09/637230089/puerto-rico-estimates-it-will-cost-139-billion-to-fully-recover-from-hurricane-m> (last viewed March 26, 2019); Chris Mooney, The Washington Post, “Hurricane Harvey Was Year’s Costliest U.S. Disaster at \$125 Billion in Damages,” dated January 8, 2018, retrieved from <https://www.texastribune.org/2018/01/08/hurricane-harvey-was-years-costliest-us-disaster-125-billion-damages/> (last viewed March 26, 2019); Dale Kasler, The Sacramento Bee, dated December 8, 2017, “Wine Country Wildfire Costs Now Top \$9 Billion, Costliest in California History,” retrieved from <https://www.sacbee.com/news/state/california/fires/article188377854.html> (last viewed March 26, 2019).

See also, Ed Leefeldt, CBS News, “Midwest Floods: Ruptured Levees Could Cost Billions to Repair,” dated March 22, 2019, retrieved from <https://www.cbsnews.com/news/flooding-in-the-midwest-ruptured-levees-along-missouri-river-could-cost-billions-to-repair/> (last viewed March 26, 2019); National Oceanic and Atmospheric Administration, “2018 was 4th Hottest Year On Record for the Globe, The U.S. Experienced 14 Billion-Dollar Weather And Climate Disasters,” dated February 6, 2019, retrieved from <https://www.noaa.gov/news/2018-was-4th-hottest-year-on-record-for-globe> (last viewed March 26, 2019); Willie Drye, National Geographic, “2017 Hurricane Season Was The Most Expensive In US History,” dated November 30, 2017, retrieved from <https://news.nationalgeographic.com/2017/11/2017-hurricane-season-most-expensive-us-history-spd/> (last viewed March 26, 2019); Doyle Rice, USA Today, “Alabama Tornado Stretched for Nearly a Mile – Four Times Wider Than Your Average Twister,” dated March 6, 2019, retrieved from <https://www.usatoday.com/story/news/nation/2019/03/05/alabama-tornado-2019-twister-usas-deadliest-strongest-years/3067339002/> (last viewed March 26, 2019) (noting it was the deadliest tornado since 2013); Lee W. Larson, NOAA/ National Weather Service, “The Great USA Flood of 1993,” Presented at IAHS Conference June 24-28, 1996, retrieved from [https://www.nwrfc.noaa.gov/floods/papers/oh\\_2/great.htm](https://www.nwrfc.noaa.gov/floods/papers/oh_2/great.htm) (last viewed March 26, 2019) (noting tens of thousands of people were evacuated, at least ten thousand homes were destroyed; damages totaled

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\$15 Billion in 1993).

<sup>3</sup> See e.g., CalFIRE, “Top 20 Most Destructive California Wildfires,” dated March 14, 2019, retrieved from [http://www.fire.ca.gov/communications/downloads/fact\\_sheets/top20\\_destruction.pdf](http://www.fire.ca.gov/communications/downloads/fact_sheets/top20_destruction.pdf) (documenting eight of the top twenty 20 most destructive wildfires in California occurred in 2017 and 2018); Eric S. Blake and David A. Zelinsky, National Hurricane Center, “National Hurricane Center Tropical Cyclone Report, Hurricane Harvey,” dated May 9, 2018 retrieved from [https://www.nhc.noaa.gov/data/tcr/AL092017\\_Harvey.pdf](https://www.nhc.noaa.gov/data/tcr/AL092017_Harvey.pdf) (last viewed March 26, 2019) at p. 6 (“Harvey was the most significant tropical cyclone rainfall event in United States history, both in scope and peak rainfall amounts, since reliable records began around the 1880s”); National Oceanic And Atmospheric Administration Centers for Environmental Information, “U.S. Billion-Dollar Weather & Climate Disasters 1980-2018,” retrieved from <https://www.ncdc.noaa.gov/billions/events.pdf> (last viewed March 26, 2019).

<sup>4</sup> See e.g., Michael Finney and Renee Koury, ABC, “Couple who lost everything in the North Bay fires sent to collections for burned AT&T equipment,” dated October 8, 2018, retrieved from <https://abc7news.com/business/fire-victims-sent-to-collections-for-burned-at-t-equipment/4443151/> (last viewed March 26, 2019) (“They lost their house. . . Then they found out their telecom company was billing them for service that had long since burned up in the fire. . .”).

<sup>5</sup> Urban Institute, Research Report, “Insult to Injury: Natural Disasters and Residents’ Financial Health” (April 2019), retrieved from <https://www.urban.org/research/publication/insult-injury-natural-disasters-and-residents-financial-health>.

<sup>6</sup> See e.g., The Utility Reform Network, “Request for Emergency Consumer Protections to Support Victims of the October 2017 Wildfires,” dated October 24, 2017, retrieved from [http://www.cpuc.ca.gov/uploadedFiles/CPUC\\_Public\\_Website/Content/Safety/102517%20TURN%20Letter.pdf](http://www.cpuc.ca.gov/uploadedFiles/CPUC_Public_Website/Content/Safety/102517%20TURN%20Letter.pdf) (last viewed March 26, 2019). TURN’s letter request resulted in two CPUC resolutions, M-4833 and M-4835 which required regulated electric, natural gas, telecommunications and water utilities to take reasonable steps to help Californians affected by devastating wildfires. The CPUC also opened a proceeding, Rulemaking 18-03-011, which adopted interim disaster relief emergency customer protections in Decision 18-08-004 using the two resolutions as a starting point. See CPUC Decision 18-08-004, dated August 8, 2018, retrieved from <http://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M221/K552/221552166.PDF> (last viewed March 26, 2019). The rulemaking is open to develop permanent disaster relief emergency customer protections.

See also, Texas Legal Services Center, Texas Ratepayers’ Organization to Save Energy (Texas ROSE), AARP Texas Office, City of Houston, One Voice Texas and Texas Community Action Agencies, Petition for Emergency Rulemaking to Provide Customer Protection Rules for Continuing Support of Victims of Hurricane Harvey, Project No. 47674 filed with the Public Utility Commission of Texas on October 4, 2017, retrieved from [http://interchange.puc.texas.gov/Documents/47674\\_1\\_957016.PDF](http://interchange.puc.texas.gov/Documents/47674_1_957016.PDF) (last viewed March 26, 2019). Prior to TURN’s letter, advocates in Texas had filed a similar petition in response to hurricanes. The Texas petition was not successful, but their petition provides a good template for disaster relief.

<sup>7</sup> See, e.g., U.S. Fire Administration, “The World Trade Center Bombing: Report and Analysis,” dated February 1993, retrieved from <https://www.usfa.fema.gov/downloads/pdf/publications/tr-076.pdf> (last viewed March 26, 2019); see also, Rae Zimmerman, Institute for Civil Infrastructure Systems, Wagner Graduate School of Public Service, New York University, “Public Infrastructure Service Flexibility for Response and Recovery in the Attacks at the World Trade Center, September 11, 2001,” retrieved from <https://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.452.6594&rep=rep1&type=pdf> (last viewed March 26, 2019); Thomas D. O’Rourke, Arthur J. Lembo, Linda K. Nozick, Cornell University, “Lessons Learned from the World Trade Center about Critical Utility Systems,” retrieved from <https://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.489.622&rep=rep1&type=pdf> (last viewed March 26, 2019); William A. Wallace, David Mendonca, Earl E. Lee, John E. Mitchell, Joe H. Chow, Rensselaer Polytechnic Institute and New Jersey Institute of Technology, “Managing Disruptions to Critical Interdependent Infrastructure,” [https://s3.amazonaws.com/academia.edu.documents/42270837/Managing\\_Disruptions\\_to\\_Critical\\_Interde20160207-14055-Irdnj5a.pdf?AWSAccessKeyId=AKIAIWOWYYGZ2Y53UL3A&Expires=1552242849&Signature=p%2Bh9AM3](https://s3.amazonaws.com/academia.edu.documents/42270837/Managing_Disruptions_to_Critical_Interde20160207-14055-Irdnj5a.pdf?AWSAccessKeyId=AKIAIWOWYYGZ2Y53UL3A&Expires=1552242849&Signature=p%2Bh9AM3)

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[uMb0uT5JbK2f6gRTNRao%3D&response-content-disposition=inline%3B%20filename%3DManaging\\_Disruptions\\_to\\_Critical\\_Interde.pdf](#) (last viewed March 26, 2019).

<sup>8</sup> See, e.g., Robert Abrams and Benjamin Lawsky, State of New York Moreland Commission, “Moreland Commission on Utility Storm Preparation and Response, Final Report,” dated June 22, 2013, retrieved from <https://www.utilitystormmanagement.moreland.ny.gov/sites/default/files/MACfinalreportjune22.pdf> (last viewed March 26, 2019) (analyzing New York utility responses to Superstorm Sandy).

Submitted by the Consumer Protection Committee

Adopted by the Members  
Portland, Oregon  
June 20, 2019