

# TENNESSEE PUBLIC UTILITY COMMISSION



Andrew Jackson State Office Bldg.  
502 Deaderick Street, 4<sup>th</sup> Floor  
Nashville, TN 37243-0001

## *Special Commission Conference*

*to Hear and Consider the Emergency Petition to Suspend Service Disconnections*

Meeting held on March 27, 2020

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## Minutes

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The Special Commission Conference was held electronically via WebEx at 2:30 p.m. on Friday, March 27, 2020. The Commission convened an *en banc* session to consider the *Emergency Petition to Suspend Service Disconnections* filed on March 24, 2020 by the Consumer Advocate Unit of the Financial Division of the Office of the Tennessee Attorney General. The following individuals voiced their attendance:

### **TPUC Commissioners**

Chair Robin Morrison  
Vice Chair Kenneth Hill  
Commissioner David Jones  
Commissioner Herbert Hilliard  
Commissioner John Hie

### **TPUC Staff**

Earl Taylor, Executive Director  
Kelly Cashman Grams, General Counsel  
David Foster, Utilities Director  
Joe Shirley, Director of Utility Audit and Compliance  
Jerry Kettles, Director of Economic Analysis and Policy  
Stacy Balthrop, Director of Consumer Services  
Monica Smith-Ashford, Deputy General Counsel  
Aaron J. Conklin, Senior Counsel  
Ryan McGehee, Senior Counsel  
Ectory Lawless, Dockets & Records Manager

### **Other Telephonic WebEx Attendees**

Daniel Whitaker, Asst. Attorney General  
William (“Bill”) Bovender, AEP Appalachian Power and Kingsport Power  
Henry Walker, Esq.  
Levoy Knowles, Tennessee Broadband Association

**I. Special Commission Conference Called to Order**

At 2:32 p.m., Chair Robin Morrison called the Special Commission Conference to order and stated that it was a live teleconference via WebEx and being recorded. Upon convening the Special Commission Conference, Chair Morrison announced Docket No. 20-00047, which was the only item on the agenda:

*In re: Emergency Petition to Suspend Service Disconnections Filed by the Consumer Advocate Unit of the Financial Division of the Office of the Tennessee Attorney General, to consider the Emergency Petition to Suspend Service Disconnections.*

Chair Morrison stated there was a public necessity for the electronic, telephone-only Special Commission Conference as follows:

On March 24, 2020, the Consumer Advocate filed its Emergency Petition. On March 25th, the Commission issued the Notice of Special Conference Held Electronically via WebEx giving public notice that this Special Conference would be held with all Commissioners participating via WebEx. As stated in the Notice, as a result of the ongoing state of public health emergency declared nationally, and by Tennessee Governor Bill Lee on March 12, 2020, limitations have been placed on public gatherings and meetings in order to prevent the spread of the Coronavirus Disease 2019 (COVID-19). In convening this Special Conference electronically, without a physical quorum, the Commission relies on Governor Lee’s Executive Order No. 16, and affirms that this action is necessary to conduct the essential business of the agency and to protect the health, safety, and welfare of Tennesseans.

Quorum of Commissioners: Vice Chair Hill, Commissioner Jones, Commissioner Hilliard, and Commissioner Hie each acknowledged his presence on the line, resulting in a quorum for the meeting.

**II. Acknowledgement of Motion to Participate in Hearing by AEP Appalachian Power**

Chair Morrison recognized the Motion to Participate in the Hearing filed by William Bovender, Esq., on behalf of Appalachian Electric Power Company and Kingsport Power Company d/b/a AEP Appalachian Power. Mr. Bovender stated the company would rely upon its filed comments and that William Castle and Eleanor Keeton were available to address any questions by the Commissioners.

### **III. Introduction and Presentation of Petition by Consumer Advocate**

Daniel Whitaker presented the Consumer Advocate's position on its March 24, 2020, *Emergency Petition to Suspend Service Disconnections*. Mr. Whitaker recommended that despite economic factors outside of people's control caused by the current onset of a deadly disease, people should not be at risk of losing essential services, such as power and water. Other factors to consider include school aged children staying home because school has closed or moved online and small businesses that require utility service to stay open.

Mr. Whitaker referenced Governor Bill Lee and Attorney General Slatery's comments taken from the March 24<sup>th</sup> press release issued by the Attorney General's Office:

*"The COVID-19 pandemic is an unprecedented crisis that has caused uncertainty for many Tennesseans. I urge the Tennessee Public Utility Commission to work quickly to keep citizens connected regardless of payment status during this state of emergency."* -- Tennessee Governor Bill Lee.

*"We all need to work together to get past this difficult time. We commend the way the Commission has already responded to the COVID-19 pandemic. This request ensures relief for Tennesseans from all utilities regulated by the Commission, so they do not have to worry about losing their basic utility services because of circumstances far outside their control."* -- Tennessee Attorney General Slatery.

Mr. Whitaker moved to put the press release into the record and that motion was granted without objection. In conclusion, Mr. Whitaker requested that the Commission order a moratorium on service disconnections during the state's public health emergency.

### **IV. TPUC Commissioner Questions**

Chair Morrison, Commissioner Jones, Commissioner Hilliard, and Commissioner Hie, noted that they did not have any questions.

Vice Chair Hill asked Mr. Whitaker how many people would be affected by cutoffs in a thirty (30) day period without an order prohibiting disconnections for nonpayment. Mr. Whitaker was not able to provide an exact figure but emphasized the substantial risk to consumers without a formal order. Vice Chair Hill agreed there seems to be a potential risk of disconnection.

**V. Public Comments**

An opportunity for any member of the public to comment was announced. Public comments were given by Henry Walker, Esq. and Levoy Knowles, Executive Director of the Tennessee Broadband Association. With no one else seeking to comment, the public comment portion of the hearing ended at 2:45 p.m.

**VI. Chair Morrison, TPUC Motion**

Following presentation of the petition and public comment and acknowledging the comments filed in the docket file, Chair Morrison made a motion to support ordering an immediate suspension of service disconnections for nonpayment by all Commission-regulated natural gas, electric, water, and wastewater utilities. Further, that any customer of these utilities who may have been disconnected from service for nonpayment since Governor Lee’s declaration of a public health emergency on March 12, 2020 be reconnected immediately free of charge.

In addition, Chair Morrison’s motion included that the weekly utility status reports previously required in the Commission’s *Ongoing Request*, issued March 19, 2020, should continue, that all regulated public utilities submit within thirty (30) days of the order, a report informing the Commission of their plans or procedures to assist those customers that are behind, and allow a chance to catch up on their past due balances with payment plan options. Finally, Chair Morrison stated that the order shall continue in effect, at a minimum, until the declared public health emergency expires or is terminated by Governor Lee at which time the Commission will consider whether further action is warranted.

Chair Morrison further clarified the Commission’s jurisdiction over public utilities:

To avoid unnecessary confusion by the public, it is, therefore, important to understand that the Commission’s regulatory jurisdiction and authority extends only to private investor-owned public utilities. As such, the Commission has no authority or oversight of utility companies or the utility services provided by any city or county, utility district or cooperative entity. I would further note that telecommunications companies that have elected market-regulation under Tennessee Code Annotated section 65-5-109 are also not subject to the agency’s regulation as to the matters at issue here. Any order issued by this agency today has power only to affect the actions of those utilities subject to its jurisdiction and does not extend or apply to any other utility.

**VII. Roll Call Vote**

A roll call vote was taken on Chair Morrison's motion as follows:

Vice Chair Hill: Seconded, and voted AYE

Commissioner Hilliard: AYE

Commissioner Jones: AYE

Commissioner Hie: YES

With all in favor, the motion passed.

**I. Adjournment**

The meeting was adjourned at 2:54 p.m. by Chair Morrison.

**FOR THE TENNESSEE PUBLIC UTILITY COMMISSION:**

  
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Kelly Cashman Grams, General Counsel

Minutes prepared by Jaclyn Hammons, Human Resources Director