

**BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION**

**NASHVILLE, TENNESSEE**

**August 24, 2021**

**IN RE:**

**EMERGENCY PETITION TO SUSPEND  
DISCONNECTIONS FILED BY THE CONSUMER  
ADVOCATE UNIT IN THE FINANCIAL DIVISION  
OF THE OFFICE OF THE TENNESSEE ATTORNEY  
GENERAL**

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**DOCKET NO.  
20-00047**

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**ORDER LIFTING REPORTING REQUIREMENTS AND CLOSING THE DOCKET**

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This matter came before Chairman Kenneth C. Hill, Vice Chairman Herbert H. Hilliard, Commissioner Robin L. Morrison, Commissioner John Hie, and Commissioner David F. Jones of the Tennessee Public Utility Commission (“Commission” or “TPUC”) during the regularly scheduled Commission Conference on July 13, 2021. In summary, the Hearing Panel determined *sua sponte* to end the reporting requirement previously imposed on Tennessee’s regulated public utilities and closed the docket.<sup>1</sup>

**BACKGROUND**

Amid reports of a global pandemic outbreak originating from China and sweeping through Asia, the Middle East, and Europe, the first diagnosed case of the Novel Coronavirus Disease 2019 (COVID-19) in the United States was announced mid-January in the state of Washington. On March 5, 2020, it was publicized that COVID-19 had arrived in Tennessee when the first case of the virus was diagnosed in Williamson County, Tennessee. As the number of confirmed cases of the virus began increasing exponentially daily, recognizing the serious threat to health and welfare of Tennesseans, Tennessee

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<sup>1</sup> For the general understanding of the public, the Commission’s jurisdiction does not extend to utility services provided by cities, counties, or municipalities, such as Nashville Electric Service, or to utility districts and cooperative entities.

Governor Bill Lee declared a state of public health emergency and, on March 12, 2020, issued the first of several Executive Orders to facilitate efforts to stop and contain the spread of the virus.

The institution of several measures intended to contain this deadly threat to the public health had and continues to have economic consequences on all fronts. Social distancing, school closures, and lock-down measures on all levels of commerce had alarming impacts on employment. The circumstances of the early days of the pandemic prompted swift action by the Commission, and certain regulated utilities, to protect the safety and welfare of Tennessee households and businesses served by its regulated public utilities. By March 16, 2020, the Commission had heard from its largest regulated utilities of their commitment to suspend disconnections for nonpayment and other measures aimed to maintain essential utility services for customers. That day, the Commission issued a *Public Notice of Utility Actions to Assist Customers During the Coronavirus COVID-19 Public Health Emergency* commending those utilities that had already taken swift action and encouraging the agency's other jurisdictional utilities to do the same.<sup>2</sup>

On March 19, 2020, the agency issued an *Ongoing Request for Information Related to Measures Taken During the Coronavirus COVID-19 Public Health Emergency* ("Request for Information") to its gas, electric, water, and wastewater jurisdictional utilities. The *Request for Information* acknowledged the voluntary measures and continued communications by certain utilities and, further, instituted a mandatory, indefinite reporting schedule to inform the Commission of each utility's efforts taken in response to the COVID-19 emergency while maintaining safe and reliable utility service.<sup>3</sup>

On March 23, 2020, the Commission issued a *Public Notice of the Voluntary Suspension of Service Disconnections for Non-Payment by TPUC-Regulated Utilities During the Coronavirus COVID-*

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<sup>2</sup> *Public Notice of Utility Actions to Assist Customers During the Coronavirus COVID-19 Public Health Emergency* (March 16, 2020). Also, on March 16, 2020, the agency issued a notice informing its regulated community, including attorney representatives, of a new streamlined procedure for filings to be made with the docket room.

<sup>3</sup> *Ongoing Request for Information Related to Measures Taken During the Coronavirus COVID-19 Public Health Emergency* (March 19, 2020).

19 *Public Health Emergency*, naming the utilities that had already informed the Commission of its commitment to, among other things, suspend service disconnections for nonpayment during the declared emergency.<sup>4</sup> These utilities included: Atmos Energy Corporation, Chattanooga Gas Company, Counce Natural Gas Company, Piedmont Natural Gas Company, Tennessee-American Water Company, Tennessee Wastewater Systems, Inc., and Tennessee Water Service. Further, the Commission called on all its jurisdictional utilities to “at a minimum, commit to voluntarily suspending disconnections for nonpayment.”<sup>5</sup> At the time of the hearing in this matter, the bulk of the public utilities under the Commission’s jurisdictions had indicated agreement with suspending service disconnections, and the Commission was awaiting a response from a few of the smaller utilities.<sup>6</sup>

On March 24, 2020, the *Emergency Petition to Suspend Service Disconnections* was filed by the Consumer Advocate Unit in the Financial Division of the Office of the Tennessee Attorney General (“Consumer Advocate”).<sup>7</sup> With the filing of the *Emergency Petition* on March 24, 2020, the Consumer Advocate asked the Commission to issue an order prohibiting all public utilities from disconnecting service for nonpayment until the state of emergency in Tennessee expires or is cancelled.<sup>8</sup> During a Special Conference convened on March 27, 2020, the Commission granted the relief sought by the Consumer Advocate and ordered all jurisdictional utilities to suspend termination of service for lack of payment for the duration of the Governor’s declaration of emergency. In addition, the Commission continued to require weekly updates first directed in the *Request for Information* and a report within thirty (30) days concerning temporary practices and/or grace periods to be put in place following the

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<sup>4</sup> *Public Notice of the Voluntary Suspension of Service Disconnections for Non-Payment by TPUC-Regulated Utilities During the Coronavirus COVID-19 Public Health Emergency* (March 23, 2020).

<sup>5</sup> *Id.*

<sup>6</sup> See Responses posted on the Commission’s website at: <https://www.tn.gov/tpuc/agency/tpuc-covid-19-information.html>.

<sup>7</sup> Due to the ongoing state of public health emergency declared nationally, and by Tennessee Governor Bill Lee on March 12, 2020, which places limitations on public gatherings and meetings in order to prevent the spread of the Coronavirus Disease 2019 (COVID-19), the Commission convened the Special Conference electronically, without a physical quorum. In so doing, the Commission relied on Governor Lee’s Executive Order No. 16, and affirmed that such action was necessary in order to conduct the essential business of the agency and to protect the health, safety, and welfare of Tennesseans.

<sup>8</sup> *Id.*

expiration of the state of emergency.<sup>9</sup> The updates were publicly filed in the docket for inspection by interested parties and the public.

On August 10, 2020, the Commission lifted the suspension of disconnections, effective on August 29, 2020, with requirements that reasonable repayment plans be offered to customers prior to disconnection efforts.<sup>10</sup> Utilities were required to continue monthly reporting to allow the Commission to have data to monitor and determine whether there were troubling trends in disconnections that may have required regulatory intervention.<sup>11</sup>

## **FINDINGS AND CONCLUSIONS**

The declared state of emergency in Tennessee has come to an end. Governor Lee's Executive Orders concerning COVID-19 related measures expired at the end of April 2021 and the state is moving forward. The pandemic and the measures taken to rein it in have taken a toll on many Tennesseans. The Commission appreciates the work of the state's regulated public utilities that began in the beginning of the state of emergency from the COVID-19 pandemic. The response to this challenge has been impressive and encouraging, and the Commission expresses its thanks for the cooperation and the voluntary steps many utilities took to help lessen the blow of the pandemic on Tennessee households and businesses.

The Commission found that since the state of emergency has ended, the time has come to close the docket. The Commissioners voted unanimously that the reporting requirement for all regulated public utilities in this docket cease, although such information should remain available should it be requested by the Commission Staff. The Commission further expressed that public utilities should continue to honor repayment arrangements made with customers to repay past due balances incurred

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<sup>9</sup> *Order Requiring All Jurisdictional Utilities to Suspend Actions to Disconnect Service for Lack of Payment During the State of Public Health Emergency*, p. 10 (March 31, 2020).

<sup>10</sup> *Order Lifting Suspension of Disconnections of Service for Lack of Payment with Conditions, Effective on August 29, 2020* (September 16, 2020).

<sup>11</sup> *Id.* at 10-11.

because of the economic distress caused by the pandemic. The Commission further voted unanimously that the docket be closed.

**IT IS THEREFORE ORDERED THAT:**

1. The requirement of every public utility regulated by the Tennessee Public Utility Commission to provide monthly reporting is lifted and this docket shall be closed.

2. Any party aggrieved by the Commission's decision in this matter may file a Petition for Reconsideration with the Commission within fifteen (15) days from the date of this Order.

3. Any party aggrieved by the Commission's decision in this matter has the right to request judicial review by filing a Petition for Review in the Tennessee Court of Appeals, Middle Section, within sixty (60) days from the date of this Order.

**FOR THE TENNESSEE PUBLIC UTILITY COMMISSION:**

**Chairman Kenneth C. Hill,  
Vice Chairman Herbert H. Hilliard,  
Commissioner Robin L. Morrison,  
Commissioner John Hie, and  
Commissioner David F. Jones concurring.**  
None dissenting.

**ATTEST:**



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**Earl R. Taylor, Executive Director**