

April 1, 2020

The Honorable Brian P. Kemp
Governor
State of Georgia
206 Washington Street
State Capitol, Suite 203
Atlanta, GA 30334

Dear Governor Kemp:

Thank you for your leadership and service to all Georgians as you lead the State's response to the novel coronavirus COVID-19. The undersigned organizations appreciate the quick action you took earlier this month to protect our citizens from the spread of this pandemic. We write to you today to urge you to act immediately to take specific action to ensure that all electric, gas, water and waste-water utilities refrain from disconnecting customers during the declared COVID-19 state of emergency. This action will undoubtedly save lives.

While the undersigned organizations are aware that some utilities in the state have voluntarily agreed to refrain from shutting off utility customers, we believe formal action through your state of emergency authority will ensure that residents are protected throughout the pandemic. Public health and safety must not rely on voluntary measures, particularly when residents are being asked to shelter-in-place and repeatedly wash their hands to guard against spread of the virus. Schools and colleges have closed, and education has shifted from in-person to online instruction. Access to lighting, electrical appliances, telecommunications services, heat and cooling are critical at any time, but especially so during a pandemic when Georgia residents are required to shelter and learn at home. The ability for all persons to remain safely and comfortably in one's own home during this pandemic should not be determined by one's financial condition, especially during this emergency.

A substantial portion of Georgia residents remain vulnerable to disconnections of water, sewer, electric, and heat-related fuels if they are customers of unregulated municipal utilities, and electric cooperatives that have not voluntarily suspended shut-offs. The availability of unregulated, essential telecommunications services, too, remains uncertain, even for those utility providers that have committed to voluntary moratorium compliance. **In order to address this problem, additional state action is needed, under the broad authority you have under O.C.G.A. § 38-3-51, to ensure that thousands of residents in Georgia served by municipal utilities, electric cooperatives and telecommunications providers are not disconnected from essential utility services.** Moreover, many Georgia residents are without utility service, having been previously shut off due to inability to pay.

Therefore, we request that you take three discrete actions, by your authority under the state's emergency management statute, to protect consumers struggling to pay their bills now and after the COVID-19 emergency status is lifted. **First, gubernatorial action is needed to require utilities to reconnect customers who were previously disconnected due to inability to pay.**

Second, gubernatorial action is needed to ensure that all *unregulated* municipal utilities, electric cooperatives and telecommunications providers, in addition to regulated utilities, refrain from disconnecting customers from essential electric, water and telecommunications services during this state of emergency. In light of limited state regulatory commission oversight of municipal utilities and

cooperatives, issuing this additional protection is critical to ensure public health and safety during shelter-in-place orders for residents served by municipal providers, telecommunications companies and rural cooperatives.

Third, to ensure that consumers are not suddenly faced with unaffordable utility bills once the emergency pandemic orders are lifted, specific directive under the state's emergency powers statute is needed to require *all* utility service providers, both regulated and unregulated, to enact more flexible credit and collections practices than currently delineated in state regulatory rules and unregulated utility policies. All utility consumers, regardless of whether they receive service from regulated or unregulated providers, will likely increase their demand for essential utility services during shelter-in-place orders. Many, particularly low-income residents, will face unaffordable bills once emergency moratorium orders are lifted. Specific direction from the Governor's office through the existing emergency statutory powers is essential to ensure that payment-troubled customers do not lose essential utility service in the months to come.

To that end, in addition to the requested moratorium on *both* regulated and unregulated utility service shut offs, the undersigned organizations urge you to include in any additional emergency order, the following directives, effective until further notice:

- Elimination of any customer deposit requirements;
- Enactment of an "Affordable Deferred Payment Arrangement" (ADPA) policy that is designed to ensure the creation of flexible, reasonable ADPAs that are negotiated based on a particular customer's ability to pay and income and expense circumstances, requiring no set maximum on length of DPAs and no minimum monthly payment amount;
- Elimination of any requirement that disconnected customers pay the full arrearage due before reconnection, thereby permitting reconnection upon issuance of an affordable ADPA;
- Elimination of reconnection fees;
- Elimination of minimum balance requirements for prepaid utility service customers;
- Elimination of credit reporting for existing customers and credit checks for new service applicants; and
- Utility write-off of debt for consumers who can self-certify that they are eligible for the Low-Income Home Energy Assistance Program (LIHEAP) but unable to receive LIHEAP grants due to a shortage of LIHEAP funds or inaccessible LIHEAP services.

All ratepayers should have rate protections that defer and fairly distribute the burden of the emergency arrangements. Moreover, ratepayers should not be asked to shoulder the burden of new utility debt that has arisen due to the COVID-19 crisis. Utilities should be allowed to put unexpected lost revenues as a result of implementing the relaxed credit and collection procedures into a deferred recovery account to ensure that utility ratepayers are not required to incur additional costs in the near term. In light of the closure in many counties of businesses deemed non-essential, and the cessation of much of the gig economy, these actions are needed now to ensure that essential utility service remains available and affordable for the foreseeable future for economically vulnerable consumers.

We recognize that small municipalities depend on the cash flow from their utilities to maintain safe and reliable service and that when disconnection suspensions are eventually lifted, customers may have extreme liabilities they are unable to afford. To this end, we also ask you to advocate for emergency

contingency funds through the Low-Income Home Energy Assistance Program (LIHEAP), which is a federal program funded through the Department of Health and Human Services, be strategically allocated in alignment with your utility shut-off moratorium. The Coronavirus Aid, Relief, and Economic Security Act (CARES) signed into law by the President on March 27 includes \$900 million for LIHEAP to address the energy needs of households as a result of the COVID-19 health and economic crisis. These additional dollars should ensure that all utilities, especially small municipal utilities, are able to maintain services through this crisis and that all ratepayers do not sustain rate-shocks in the future.

Thank you for your attention to this important matter and for your continued efforts to keep all Georgians safe during this global pandemic.

Respectfully yours,

The 60 undersigned organizations:

Access to Capital for Entrepreneurs (ACE)	Groundswell
Atlanta Bicycle Coalition	Grove Park Foundation
Atlanta Center for Self Sufficiency	Harambee House/Center for Environmental Justice
Ayika Solutions	Housing Justice League
Bobby Dodd Institute	Independent Restaurant Owners and Chefs of Savannah
Center for Civic Innovation	SisterCARE Alliance
Center for Community Progress	Southern Alliance for Clean Energy
Center for Sustainable Communities	Southern Environmental Law Center
Chatham County Housing Coalition	LISC Atlanta
Coastal Georgia Indicators Coalition	Mercy Care
Community Foundation for Greater Atlanta	Mercy Housing Southeast
Deep Center	National Housing Trust
Economic Empowerment Initiative, Inc.	Paradise CDC
Enterprise Community Partners	Paradise Missionary Baptist Church
Environmental Community Action Inc.	Partnership for Southern Equity
Environment Georgia	Project Community Connections, Inc.
Faith in Public Life	Quest Community Development
Focused Community Strategies	Russell Center for Innovation and Entrepreneurship
Georgia Advancing Communities Together	Sandy Springs Together
Georgia Budget & Policy Institute	Southface
Georgia Coalition Against Domestic Violence	The Kenekt
Georgia Coalition for the Peoples Agenda	TransFormation Alliance
GEEARS: Georgia Early Education Alliance for Ready Students	The Village Market ATL
Georgia Equality	Urban League of Greater Atlanta
Georgians for a Healthy Future	Village Micro Fund
Georgia Interfaith Power and Light (GIPL)	West Atlanta Watershed Alliance
Georgia Interfaith Public Policy Center	The Young Entrepreneurs of Atlanta Foundation, Inc.
Georgia Micro Enterprise Network	9to5 Georgia
Georgia PIRG	
Georgia STAND-UP	
Georgia WAND Education Fund	
Georgia Watch	

