ORDER ON REOPENING

By the Commission:

I. PROCEDURAL HISTORY

In an Emergency Interim Order entered on March 18, 2020, the Illinois Commerce Commission ("Commission") imposed a moratorium on the disconnection of utility services and the imposition of late fees by electric, natural gas, and water and sewer utilities subject to the Commission’s jurisdiction during the public health emergency declared by Governor JB Pritzker on March 9, 2020, as a result of the COVID-19 pandemic. In the same Order, the Commission directed the subject utilities to formulate and follow, on a temporary basis, more flexible credit and collection procedures and to submit those plans to the Commission for its consideration and approval. By these means, customer access to essential utility services could be improved throughout the public health emergency. The initial proclamation of emergency was in effect through April 30, 2020. The Governor has since issued subsequent proclamations of emergency, which have extended the period of the emergency, most recently until April 4, 2021.

On June 18, 2020, the Commission approved and adopted two stipulations, which were unanimously supported by the parties to each stipulation and Commission Staff ("Staff"). The two stipulations were applicable based upon the size of the utilities that were parties to each, but all utilities, with the exception of several very small water utilities, were signatories to one of the stipulations. Pursuant to the stipulations, each utility offered more flexible credit and collection procedures than were required by rule. In its June 18, 2020 Order ("June 18 Order") approving each of the stipulations, the Commission found that the terms of each stipulation complied with the Emergency Interim Order by offering more flexible credit and collection procedures and the Public Utilities Act ("Act") and were otherwise just and reasonable. The June 18 Order was final.

The entire State moved into Phase 4 of the Restore Illinois plan on June 26, 2020, which – by the terms of each stipulation – resulted in the moratorium on disconnections
being lifted on July 26, 2020. After various and differing moratorium extension commitments following July 26, 2020, Ameren Illinois Company d/b/a Ameren Illinois ("Ameren Illinois"), Commonwealth Edison Company ("ComEd"), Northern Illinois Gas Company d/b/a Nicor Gas Company ("Nicor Gas"), Liberty Utilities (Midstates Natural Gas) Corp. d/b/a Liberty Utilities, The Peoples Gas Light and Coke Company ("Peoples Gas"), North Shore Gas Company ("North Shore"), and Utility Services of Illinois, Inc. ("USI") most recently agreed to extend the moratorium on disconnections for all residential customers until March 31, 2021. Aqua Illinois, Inc. ("Aqua") and Illinois-American Water Company ("IAWC") agreed to extend the moratorium until March 31, 2021 for all residential customers who either are eligible for the Low-Income Home Energy Assistance Program ("LIHEAP") or who self-certify financial hardship, and MidAmerican Energy Company agreed to extend the moratorium until March 31, 2021 for all residential customers who are LIHEAP-eligible.

As it became clear that the public health emergency would extend past March 31, 2021, and utility customers would again be subject to service disconnection for non-payment, the parties met to determine what, if any steps could be agreed to that would mitigate the effect of what could be large numbers of customer disconnections, in light of the fact that many customers had accumulated substantial arrearages during the winter moratorium. These discussions resulted in the parties agreeing to two Stipulations: the Large Electric and Gas Utility ("LEGU") Stipulation and the Large Water and Sewer Utility ("LWSU") Stipulation. The utility parties to the LEGU Stipulation are Ameren Illinois, Nicor Gas, North Shore, Peoples Gas, and ComEd. Other parties to the LEGU Stipulation are Staff, and the Joint Consumer Parties, consisting of the Office of the Attorney General on behalf of the People of the State of Illinois ("AG"), the City of Chicago (as to the commitments of the City, Peoples Gas, and ComEd), Community Organizing and Family Issues ("COFI"), the Citizens Utility Board ("CUB"), Legal Aid Society of Metropolitan Family Services, and Allen Cherry. The utility parties to the LWSU Stipulation are Aqua, IAWC, and USI. Other parties to the LWSU Stipulation are Staff and the Joint Consumer Parties (with the exception of the City and Allen Cherry).

On March 15, 2021, Staff submitted a verified Petition requesting that the Commission reopen the proceeding on its own motion and a motion seeking adoption and approval of the LEGU and LWSU Stipulations, verified by Richard W. Bridal II, Director of the Commission’s Financial Analysis Division. Staff states that the Stipulations are just and reasonable, serve the public interest and are consistent with the requirements of the Act.

II. STIPULATIONS

The LEGU Stipulation provides, in broad summary, as follows:

Disconnection notices and disconnections – Utilities may send disconnection notices, on a staggered basis, starting on April 1, 2021. Such notices must contain information regarding how to obtain available payment assistance. Disconnections will take place on a staggered schedule, will begin with residential customers having the highest arrearages who have failed to make payment or seek a Deferred Payment Arrangement ("DPA"), and utilities will communicate disconnection schedules to the
Illinois Department of Commerce and Economic Opportunity (“DCEO”) and assistance associations.

Reconnection - Utilities will waive reconnection fees for low-income customers and will reconnect those customers whose income is 300% or less of the federal poverty level (“FPL”) based upon payment of 25% of the outstanding balance, which may be paid with customer assistance funds, and with the remainder of the arrearage incorporated into a DPA. Utilities need not reconnect customers where doing so would compromise safety, where there is proof of tampering, or where premises are unoccupied.

Deferred Payment Arrangements – Each utility will offer more generous DPAs than required by rule, with variations among companies. Funds provided as aid will reduce arrearages. Customers may seek to negotiate DPAs based on reduced arrearages. Utilities will work with DCEO to ensure LIHEAP-eligible customers who have received disconnection notices will not be disqualified from receiving reconnection or emergency grants by entering into DPAs or other payment arrangements.

Other Credit and Collection Terms – Low-income customers will continue to be exempt from late payment fees and deposits consistent with the Commission’s rules.

Bill Payment Assistance Programs – Utilities will make additional bill payment assistance funds available through existing bill payment assistance programs created by prior stipulations at levels and on terms described in the Stipulation.

Communications – Residential customers more than 30 days in arrears will receive targeted communications advising them of how to access LIHEAP and other available aid.

COVID-19 related costs – Utilities will be permitted to recover costs associated as provided for in the stipulations approved in the June 18 Order. Gas utilities will be permitted to file tariffs or tariff revisions by special permission to recover such costs.

Customer Status – customers will not be required to demonstrate U.S. citizenship to avail themselves of customer benefits or protections available under the Stipulation.

Meetings – Staff, the utilities and consumer representatives will meet monthly to discuss matters arising under the Stipulation.

Sections 16-111.8 and 19-145 – utilities will be deemed, by virtue of carrying out the Stipulation, to have pursued minimization and collection of uncollectibles within the meaning of Sections 16-111.8 and 19-145 of the Act, and to be consistent with the requirements of provided in 83 Ill. Adm. Code 280.

The LWSU Stipulation contains similar terms, but reconnection terms would generally apply to low-income customers and customers whose income is 300% or less of the FPL.

II. COMMISSION ANALYSIS AND CONCLUSION

The Commission finds that the terms of each of the Stipulations are reasonable and that they provide an appropriate resolution for this docket. The Commission has the authority to adopt a settlement proposal that has the unanimous support of the parties to them and is otherwise appropriate. See Bus. and Prof'l People for the Pub. Interest v. Ill.
Commerce Comm’n, 136 Ill. 2d 192, 216-17 (1989). The Commission is adopting two settlement proposals here that, taken together, have the unanimous support of, or are not opposed by, all of the parties that are bound by either Stipulation, and resolve all contested issues between and among the parties to each Stipulation. Additionally, the Illinois Industrial Energy Consumers do not oppose either Stipulation. The Commission gives substantial weight to Staff’s opinion that the terms of each Stipulation comply with the Emergency Interim Order and the Act and are otherwise just and reasonable. Accordingly, the Commission approves and adopts the terms of each Stipulation, as attached to this Order as Appendices A and B, as a settlement of this docket when taken together. The Commission further finds that in light of the ongoing public health emergency, the adoption and implementation of the LEGU Stipulation in the context of the ongoing public health emergency is an “extraordinary event that adversely impact[s] the utility’s performance” within the meaning of Section 16-108.5(f-5) of the Act.

IV. FINDINGS AND ORDERING PARAGRAPHS

The Commission, having considered the entire record and being fully advised in the premises, is of the opinion and finds that:

(1) the Commission has jurisdiction over the parties to this proceeding and the subject matter of this proceeding;

(2) the findings of fact and the conclusions of law set forth in the prefatory portion of this Order are supported by the record and are adopted as findings of fact and conclusions of law;

(3) through the two Stipulations, attached to this Order as Appendices A and B, the respondent utilities have agreed to various commitments and undertakings with regard to the continuation of utility services, the recovery of associated costs, customer assistance, and other pertinent matters related to the provision of essential utility services during the present public health emergency;

(4) the parties have agreed to accept or have not objected to the Stipulations as a resolution of the matters involved in this docket;

(5) the utilities to the Stipulations are authorized to file, on less than forty-five (45) days’ notice, tariffs that are necessary to effectuate the terms of the Stipulation applicable to the utility;

(6) the two Stipulations, taken together, have the unanimous support of, or are not opposed by, all of the parties, and resolve all contested issues between and among the parties to each Stipulation;

(7) the terms and conditions of each Stipulation agreed upon by the parties are reasonable and an appropriate resolution of this docket, in light of the present health emergency; and

(8) the adoption and implementation of the Stipulations in the context of the ongoing public health emergency is an “extraordinary event that adversely impact[s] the utility’s performance” within the meaning of Section 16-108.5(f-5) of the Act.
IT IS THEREFORE ORDERED by the Illinois Commerce Commission that the Stipulations, attached to this Order as Appendices A and B, are hereby adopted as the full and complete resolution of this docket.

IT IS FURTHER ORDERED that the utilities to the Stipulations may file, on less than forty-five (45) days’ notice, tariffs that are necessary to effectuate the terms of the Stipulation applicable to the utility.

IT IS FURTHER ORDERED that if Staff believes that any of the stipulating utilities have failed to comply with any of the terms and conditions of the Stipulation applicable to that utility, Staff may request that the Commission reopen this docket to make a determination whether the utility has failed to comply with the applicable Stipulation, seek such other or further relief before the Commission that is warranted and appropriate, and request or recommend to the Commission that it enforce the applicable Stipulation as authorized by law.

IT IS FURTHER ORDERED that any motions, petitions, objections, or other matters in this proceeding that remain outstanding are hereby disposed of consistent with the conclusions herein.

IT IS FURTHER ORDERED that pursuant to Section 10-113(a) of the Public Utilities Act and 83 Ill. Adm. Code 200.880, any application for rehearing shall be filed within 30 days after service of the Order on the party.

IT IS FURTHER ORDERED that subject to the provisions of Section 10-113 of the Public Utilities Act and 83 Ill. Adm. Code 200.880, this Order is final; it is not subject to the Administrative Review Law.

By Order of the Commission this 18th day of March, 2021.

(SIGNED) CARRIE ZALEWSKI
Chairman