



March 26, 2020

Robin Morrison, Chairman
Tennessee Public Utility Commission
502 Deaderick Street, 4th Floor
Nashville, TN 37243

RE: IN RE: Emergency Petition to Suspend Service Disconnections, Docket No. 20-00047

Dear Chairman:

Navitas TN is sympathetic to the hardships placed on customers during this difficult time and supports the Consumer Advocate's intentions. However, Navitas TN must also take consideration of the balance between near and mid-term forbearance with our customers and our long-term obligations to our employees, customers, vendors, creditors and the communities we serve.

Navitas TN is concerned by the broad language found in the *Emergency Petition to Suspend Service Disconnections* submitted by the Consumer Advocate on March 24, 2020. Vague and overarching language will only serve to further confuse parties as to procedure going forward and create additional hardships on utilities as we navigate this difficult time. Of particular concern to Navitas TN is Consumer Advocate's argument in paragraph 9, "[w]ithout an order requiring a temporary halt to service disconnections for nonpayment, public utilities are under no obligation to suspend these activities"¹ Navitas agrees with Consumer Advocate that considerations need to be made towards a disconnection policy, but strongly disagree with setting a total ban on all disconnections.

In *Emergency Petition*, the Consumer Advocate sites the Kentucky Public Service Commission's March 16, 2020 Order as an example of state regulators issuing suspension on service disconnections. The Consumer Advocate failed to address that the Kentucky Order was directed towards disconnections due to non-payments caused by the COVID-19 Public Emergency.² Navitas TN believes that if the Commission should feel the need to adopt a disconnection policy for the duration of the emergency order, it should adopt a policy in line with the spirit Kentucky Order in order to protect utilities from non-paying customers taking

¹ Emergency Petition to Suspend Service Disconnections, Consumer Advocate, at 4 (March 23, 2020) (available at <http://share.tn.gov/tra/orders/2020/2000047.pdf>)

² Electronic Emergency Docket Related to the Novel Coronavirus COVID-19, Public Service Commission, Order at 4 (March 16, 2020) (available at https://psc.ky.gov/order_vault/Orders_2020/202000085_03162020.pdf)



advantage of the current situation and to best protect non-paying customers in need of a reprieve due to being directly affected by COVID-19.³

As a matter of course, Navitas TN has always worked with customers for formulate payment plans and is happy to establish flexible payment plans for unpaid balances resulting from COVID-19 related non-payments, but would ask that the point of the utilities' right of payment for services rendered be touched upon in any policy the Commission adopts.

Navitas TN requests that any policy adopted by the Commission expressly state that non-payments unrelated to COVID-19 are not covered by the Order. Navitas would ask the Commission to apply the Order to residential customers who are non-paying customers as a direct result of the COVID-19 emergency only.⁴ Navitas TN strongly encourages the Commission to also set definitions for permissible shut-offs and disconnections not related to COVID-19 and recommends that utilities should be able to continue to disconnect services due to issues not related to COVID-19 as follows:

- Typical periodic shut-off and disconnection of habitual late payers, defined as any customer having three or more late payment penalties between February 28, 2019 and February 16, 2020.
- Typical seasonal shut-off and disconnection of annual meter deposit users, defined as any customer failing in the spring of 2019 to pay the last bill of winter until the fall of 2019 as part of service re-establishment.
- Shut-off and disconnection of non-using non-payers (e.g. – customer only uses gas for winter heat thus no summer usage).
- Shut-off and disconnection of non-residential customers using gas for production of a product (thus continued production of a product will be evidence of no COVID-19 effect). Typical domestic type gas water heater usage shall not be evidence of continued production.

Thank you for your time. I can be reached at (949) 331-7496 or thartline@navitasutility.com.

Sincerely,

Thomas Hartline

³ Emergency Docket at 5 (“Nothing in this Order should be conveyed as relieving customers from the obligation to pay for services rendered.”)

⁴ Emergency Docket at 5 (“...the Commission is taking this extreme measure to ensure that the many consumers who are confined to their homes in a time of emergency are provided necessary services required to maintain health and safety.”)