

GOVERNMENT RELATIONS

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**Berks County
Water & Sewer**
ASSOCIATION

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PUC Enhances Utility Protections for Families & Businesses Struggling with Financial Impact of COVID-19

Terminations Prohibited for Low-Income Households; Small Business Help Available; Fees Waived; and Framework Established for Future Discussions

On October 8, 2020, the Pennsylvania Public Utility Commission (PUC) adopted a series of **enhanced consumer protections** <http://www.puc.pa.gov/pcdocs/1679970.pdf> intended to safeguard families and small businesses who are struggling financially because of the COVID-19 pandemic - and also established a framework for future discussions about utility assistance and economic recovery.

Moving forward, while still acknowledging that the pandemic and its economic effects have not disappeared, requires a mix of holistic, short-term and long-term solutions to offer customers protections and ensure the payment of bills from customers that are able to pay.

Today's new PUC consumer safeguards modify an **earlier emergency order** http://www.puc.pa.gov/about_puc/press_releases.aspx?ShowPR=4326 suspending all public utility terminations, which was issued by the Commission in mid-March. Today's action also requires detailed monthly reporting by utilities and sets in motion a process to explore longer-term solutions to address consumer and economic utility issues in 2021. The consumer safeguards and monthly reports established in the Motion will remain in effect no later than March 31, 2021, unless the Governor's Emergency Proclamation is rescinded before that date or the Commission establishes a different timeframe.

Enhanced Consumer Protections

The PUC has adopted new safeguards for "protected customers" - those residential households hardest hit by the economic downturn triggered by COVID-19, along with aid for small businesses:

- **No Terminations for "Protected Customers"** - Utilities shall not terminate service for residential customers with incomes within 300% of the Federal Poverty Income Guidelines (FPIG), unless otherwise authorized by the Commission. These "protected customers" must apply for all available assistance programs and

must request a payment arrangement from the utility, if appropriate.

- **Special Outreach to Customers At-Risk of Termination** - Utilities must reach out to individual residential and commercial customers whose unpaid balances put them at-risk of termination after the PUC moratorium is lifted, detailing their options for addressing any overdue balances and a general time range for possible termination. This communication must be sent to customers at least 10 days prior to the traditional 10-day termination notice.
- **Payment Arrangements for Small Businesses** - Utilities shall offer a payment arrangement for a period of no less than 18 months to small business customers, as defined by a utility's tariff. A small business customer who remains current on its payment arrangement and current bill shall not be terminated.
- **Waiver of Connection/Reconnection Fees** - Utilities shall waive all connection, reconnection and deposit fees for protected customers.
- **No Late Payment Charges** - Late payment charges are waived for protected customers.
- **Additional Medical Certificates** - Two additional medical certificates shall be accepted by utilities for eligible customers who have exhausted the number otherwise available, with an additional seven days for medical professionals to return medical certificates to the utility.
- **Flexible Income Verification** - Utilities and the PUC's Bureau of Consumer Services can utilize flexible methods to verify customer income for assistance programs, payment plans and qualification as a protected customer - such as over-the-phone or e-mail.
- **Termination and Collections Can Resume November 9 for Customers Able to Pay**

With these enhanced safeguards in place for struggling households and small businesses, the

PUC's emergency moratorium on all other utility terminations will be lifted, effective Nov. 9, 2020.

This applies to all electric, natural gas, water, wastewater, telecommunications, and steam utilities subject to the Commission's jurisdiction.

Additional Monthly Reporting by Public Utilities

Today's PUC motion directs utilities to provide monthly reports detailing the number of active residential and non-residential accounts that are at-risk of termination and/or have been the subject of other actions. Reports are initially due on Dec. 15, 2020, with additional reports to be filed on the 15th of each following month, until March 31, 2021 or as otherwise determined by the Commission.

The monthly reports shall include a separate breakdown of the following information about residential and small commercial accounts:

- **At-Risk Customers** - Total number of residential and non-residential accounts at risk of termination at the end of the month and for the same month the year prior.
- **Past-Due Balances** - Total aggregate dollars of arrears, broken down by the same account categories, at the end of the month and for the same month the year prior.
- **Terminations** - The number of residential and non-residential accounts disconnected for non-payment with dollar amounts owed.

Future Steps - Stakeholder Involvement

Because of the dynamic nature of the pandemic, the Commission will revisit these protections during the first quarter of 2021, based on the trajectory of the pandemic and the status of the economy at that time. PUC staff will request comments and proposals from interested parties regarding any revisions to the current consumer protections. Those comments shall be submitted to the Commission by Feb. 16, 2021.

About the PUC

The Pennsylvania Public Utility Commission balances the needs of consumers and utilities; ensures safe and reliable utility service at reasonable rates; protects the public interest; educates consumers to make independent and informed utility choices; furthers economic development; and fosters new technologies and competitive markets in an environmentally sound manner.

Visit the PUC's website at <http://www.puc.pa.gov/> for recent news releases and video of select proceedings. You can also follow us on Twitter, Facebook, LinkedIn, Instagram and YouTube. Search for the "Pennsylvania Public Utility Commission" or "PA PUC" on your favorite social media channel for updates on utility issues and other helpful consumer information.

Docket No.: M-2020-3019244
http://www.puc.pa.gov/about_puc/consolidated_case_view.aspx?Docket=M-2020-3019244

Source: PUC Press Release, 10/8/2020

PUC Cybersecurity Awareness Month Highlights Efforts to Safeguard Critical Systems National Efforts Explore Cybersecurity Concerns and Collaborative Work to Address Global Cyber Threats to Utility Systems

On October 8, 2020, the Pennsylvania Public Utility Commission (PUC) recognized National Cybersecurity Awareness Month, a collaborative effort between government and industry to ensure that consumers have the resources to stay secure online while increasing national resilience against cyberthreats.

We all play a role in cybersecurity, at home and at work - as emphasized by this year's national

cybersecurity campaign theme: "DO YOUR PART - #BeCyberSmart."

PUC Chairman Gladys Brown Dutrieuille stressed that everyone plays a role in online safety and emphasized the importance of taking proactive steps to enhance cybersecurity at home - which, for many people, has also become a remote workplace. Plus, more families are now involved in remote learning - so the internet connections and devices we all share at home, for entertainment, can now also impact how we work and how we attend school. That makes it even more important for everyone to follow good cybersecurity practices.

The PUC encourages every Pennsylvanian to review educational materials and tips from the **U.S. Cybersecurity & Infrastructure Security Agency** <https://www.cisa.gov/cisa-cybersecurity-resources> (CISA) and remain vigilant online.

Cyber Threats to Utilities

Chairman Dutrieuille - who also chairs the Critical Infrastructure Committee for the National Association of Regulatory Utility Commissioners (NARUC) and is a member of NARUC's new national Task Force on Emergency Preparedness, Recovery and Resiliency - underscored the ongoing work being done by state public utility commissions across the country to address security in the utility sector, evaluate current challenges and target future enhancements.

Our utility systems - including electric, natural gas, water, telecommunications and transportation networks - are keys to keeping our communities safe and productive, which makes them prime targets for bad actors.

Recently, Chairman Dutrieuille joined other national leaders in a podcast discussion about **global cyber threats** <https://www.youtube.com/watch?v=N1hHnhYnsok> to the utility sector. NARUC, in conjunction with the **United States Agency for International Development** https://www.usaid.gov/sites/default/files/documents/Energy_Cybersecurity_Fact_Sheet_-_9-22-2020.pdf (USAID), is working to help other countries strengthen their cyber defenses in the

utility sector - and also bring lessons learned back to the United States.

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Source: PUC Press Release, 10/8/2020

PUC 2019-20 Investigations Identify Utility & Consumer Savings

\$1.3 Million in Annual Savings and \$19.7 Million in One-Time Savings from Management Audits & Management Efficiency Investigations

Recommendations from the Pennsylvania Public Utility Commission's (PUC's) Bureau of Audits identified \$1.0 million and \$8.6 million in projected annual and one-time savings and \$300,000 and \$11.1 million in achieved annual and one-time savings from audits and efficiency investigations of utilities completed in the 2019-20 Fiscal Year (ending June 30th).

The Commission voted 4-0 to publish its 2019-20 annual report on PUC management audits (Mas) and management efficiency investigations (MEIs) <http://www.puc.pa.gov/pcdocs/1680025.pdf>, which work to identify efficiencies and savings for

utilities, including potential improvements in operations, service reliability and safety programs.

Investigations by the PUC's Bureau of Audits assure that utilities' operations are efficient and comply with Commission directives - helping to ensure that rates paid by consumers are fair and reasonable and utility service is safe and reliable.

During the 2019-2020 fiscal year, staff from the PUC's Bureau of Audits completed MAs of Duquesne Light Company; UGI Utilities Inc., UGI Central Penn Gas Inc. and UGI North Penn Gas Inc. (collectively referred to as UGI Utilities); and Citizens Electric, Wellsboro Electric and Valley Energy (collectively referred to as the C&T Companies). Audits staff also completed MEIs which evaluated the implementation efforts of PPL Electric Utilities, Newtown Artesian Water Company and Columbia Water Company.

The PUC's MAs resulted in 68 recommendations, of which 66 were accepted by the companies. Additionally, efficiency investigations evaluated a combined total of 73 recommendations from prior MAs and the companies' emergency preparedness efforts. In cases where implementation of prior recommendations was incomplete or where additional concerns were identified, audit staff developed follow-up recommendations and addressed.

The Bureau of Audits also continues to work on special projects for the Commission, including a detailed review of the **driver background process used by Lyft** http://www.puc.pa.gov/about_puc/press_releases.aspx?ShowPR=4437 - which was also released today. Those recommendations for improvements to Lyft's background checks and rider safety programs follow a **similar 2019 review of Uber** http://www.puc.pa.gov/about_puc/press_releases.aspx?ShowPR=4180. Collectively, those reports cover the two largest transportation network companies operating in Pennsylvania.

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Docket No.: D-2020-3021940

http://www.puc.pa.gov/about_puc/consolidated_case_view.aspx?Docket=D-2020-3021940

Source: PUC Press Release, 10/9/2020

DEP Awards \$4.9 Million in Nonpoint Source Management Grants to 23 Watershed Restoration Projects Statewide

\$3 million still available for further project grant applications

The Pennsylvania Department of Environmental Protection (DEP) awarded \$4.9 million in Section 319 Nonpoint Source Management Grants to 23 projects that will help communities and the environment around the state by restoring impaired watersheds. About \$3 million in 2021 grant funding is available for further project grant applications.

"The Section 319 program tackles the broad challenge of nonpoint source pollution watershed by watershed," said DEP Secretary Patrick McDonnell, "supporting partnerships and projects that adhere to data-grounded plans identifying which best practices will reduce the most pollution where, and monitoring outcomes to ensure success."

About 95 percent of water quality impaired watersheds in Pennsylvania are polluted by nonpoint source pollution-water pollution that doesn't come from a single specific discharge point, such as a pipe. Section 319 Grants focus on reducing:

- nitrogen, phosphorus, and sediment pollution associated with agricultural activities, urban stormwater, and streambank and shoreline erosion; and
- iron, aluminum, and acidity pollution associated with energy resource extraction and acid mine drainage (AMD).

The grant program supports projects that carry out best management practices (BMPs) specified in **Watershed Implementation Plans that have been developed for 36 watersheds around the state** http://files.dep.state.pa.us/Water/BWEW/Watershed%20Management/WatershedPortalFiles/NonpointSourceManagement/Section_319_Nonpoint_Source_Management_Grants/PA%20WIP%20map.pdf, with special consideration given to projects in Pennsylvania's share of the Chesapeake Bay Watershed. It also supports development of Watershed Implementation Plans for other impaired watersheds.

Grouped by location, the following projects received 2020 Section 319 Grants:

Statewide

- Eastern Pennsylvania Coalition for Abandoned Mine Reclamation: \$390,000 to support the reclamation of abandoned mine sites that have a significant impact on water quality, along with developing local support for AMD remediation efforts.
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Multicounty

- Berks County Conservation District: \$130,140 to develop, in partnership with the Center for Watershed Protection, a Watershed Implementation Plan for the Upper Little Swatara Creek Watershed in Berks and Lebanon Counties.
- Audubon Society of Western Pennsylvania: \$65,405 to develop a Watershed Implementation Plan for the Buffalo Creek Watershed in Butler, Armstrong, and Allegheny Counties to guide implementation of high-impact BMPs.

Bedford County

- Western Pennsylvania Conservancy: \$86,967 to develop a Watershed Implementation Plan for Upper Evitts Creek in Cumberland Valley Township, which will include identification of critical source areas of nutrient and sediment pollution.

Bradford County

- Bradford County Conservation District: \$65,574 to help rehabilitate Johnson Creek Watershed by installing BMPs on five farms in Warren and Orwell Townships.

Bucks County

- Bucks County Conservation District: \$790,914 to implement a regional wetland stormwater BMP in Middleton Township to significantly reduce nutrient and sediment pollutant levels in the Core Creek/Lake Luxembourg Watershed.

Cambria County

- Clearfield Creek Watershed Association: \$50,350 to design an abandoned mine drainage treatment system for the Sand Springs discharge in Gallitzin Township.

Clearfield County

- Clearfield County Conservation District: \$29,579 to develop a Watershed

Implementation Plan for Morgan Run Watershed in Boggs and Decatur Townships.

Clinton County

- Trout Unlimited: \$95,595 to develop a multidisciplinary, collaborative Watershed Implementation Plan for the Bull Run/Fishing Creek Watershed in Logan and Greene Townships and Loganton Borough.

Dauphin County

- Eastern Pennsylvania Coalition for Abandoned Mine Reclamation: \$72,454 to complete a survey and conceptual design for the Bear Creek AMD discharges, a tributary to Wiconisco Creek in Dauphin County.

Franklin County

- Franklin County Conservation District: \$76,307 to install 20 devices along the West Branch Antietam Creek in Washington Township to protect the streambanks from further erosion and to provide fish habitat.

Indiana County

- Indiana County Conservation District: \$283,871 to reduce sediment inputs into the South Branch Plum Creek and the Leisure Run subwatershed in East Mahoning and South Mahoning townships through streambank stabilization and rotational grazing systems.

Lancaster County

- Alliance for the Chesapeake Bay: \$321,635 to complete a large stream restoration project on a dairy farm in Fulton Township, in partnership with Donegal Trout Unlimited, Lancaster County Conservation District, and U.S. Fish and Wildlife Service.
- Donegal Chapter of Trout Unlimited (two projects): \$159,130 to restore streambanks and stream buffers and in-stream aquatic habitat on tributaries to Fishing Creek that have been severely impacted by livestock access on two

farms in Drumore Township; \$57,000 to improve a tributary to Conowingo Creek in Fulton Township by stabilizing the channel, installing fish habitat structures and streambank fencing, and planting a forest buffer.

- Lancaster County Conservation District: \$206,350 for Phase 9 of the Mill Creek Stream Restoration Project, which will regrade and stabilize streambanks along the creek on two farms in Earl and Upper Leacock Townships.

Lebanon County

- Doc Fritchey Trout Unlimited: \$173,641 for design and permitting for the Snitz Creek Stream and Floodplain Restoration project in Cornwall Borough.

Luzerne County

- Luzerne County Conservation District: \$355,732 to install agricultural BMPs to reduce nutrient and sediment pollutant loads within the Frances Slocum Lake and Abraham's Creek Watershed in Franklin Township.

Mifflin County

- Mifflin County Conservation District: \$289,506 for the Upper Kishacoquillas Creek Watershed Agricultural BMP Implementation VI project, which will develop plans and install multiple BMPs at two sites in Menno Township to significantly reduce nutrient and sediment runoff.

Schuylkill County

- Schuylkill Headwaters Association: \$785,697 for phase 2 of the Otto Abandoned Mine Discharge Restoration Project in Reilly Township to effectively reduce AMD from the Otto Discharge to the Muddy Branch.

Snyder County

- Snyder County Conservation District: \$31,995 to partner with Susquehanna University to

develop a Watershed Implementation Plan for the Middle Creek-Penns Creek subwatershed to address nonpoint source pollution.

Westmoreland County

- Jacobs Creek Watershed Association: \$82,468 to design an abandoned mine treatment system at the West Overton Museum.

DEP is accepting applications for 2021 funding until 5:00 PM on October 23. Incorporated watershed associations, counties, municipalities, municipal authorities, county conservation districts, councils of government, K-12 schools, colleges and universities, and nonprofit organizations may apply.

Applicants can find the guidelines booklet, the link to the online grant application portal, and more information at the **Section 319 Nonpoint Source Management Grants web page** <https://www.dep.pa.gov/Business/Water/PlanningConservation/NonpointSource/Pages/default.aspx>.

Grant funds are provided by the U.S. Environmental Protection Agency and authorized through Section 319(h) of the federal Water Pollution Control Act.

Source: DEP Press Release, 10/7/2020

Tracking Potential Drought Relief: Commission Keeps Eyes on Hurricane Delta

Hurricane Delta is poised to make landfall on US shores on Saturday of this weekend, and recent forecasts show the remnants tracking up through the Susquehanna basin. Widespread rainfall that could result from the storm would bring streamflows up and may serve to ease the current drought declarations in place in the **Pennsylvania and New York portions of the Susquehanna basin.** (<https://www.srbc.net/our-work/programs/planning-operations/drought.html>)

Along with its state and federal partners, the Susquehanna River Basin Commission continually monitors hydrologic conditions across the river

basin for the onset of potential drought conditions. This past summer has been particularly active as much of the western half of the river basin has been dry while the eastern portion has been wet. As the calendar turns to the autumn months, the dryness that has gripped the western half of the basin appears to be expanding across the entire basin. Rainfall over the past 30 days is greater than 50 percent below normal for most of the region, with Lancaster County the only exception. More information on county precipitation departures is available at the **Middle Atlantic River Forecast Center website:** <https://www.weather.gov/marfc/>.

With rainfall deficits come low streamflow. In response to exceptionally low streamflow in the New York portion of the basin, the Commission recently initiated a low flow augmentation release from the United States Army Corps of Engineer's Whitney Point Reservoir in Chenango County, N.Y. The release of water from the reservoir to supplement streamflow for instream needs represents only the second time in more than 10 years of low flow operations at Whitney Point that a release of supplemental water has occurred. The Commission is monitoring the need for initiation of similar actions in the Pennsylvania counties of Clearfield, Montour and Tioga as well. You can **follow the track of Hurricane Delta** at: <https://www.nhc.noaa.gov/>.

Source: SRBC Press Release, 10/8/2020

New poll highlights importance of environment for PA voters Pandemic drives interest in conserving outdoor space as voters go to the polls

As the global pandemic has driven more families to seek safer outdoor recreation options, Pennsylvania voters overwhelmingly support open spaces, parks and the outdoors, according to a new poll that highlights the importance of environmental issues as voters go to the polls in a key swing state.

Eighty-nine percent of voters say that open space is either very or somewhat important to them, according to a poll conducted Sept. 20 through 27 of 1,332 likely 2020 Pennsylvania voters.

Nearly 85 percent of voters say that the ongoing pandemic has made open spaces and parks more important than ever, according to the survey, which has a margin of error of plus or minus 3 percentage points.

"While the response to the COVID-19 pandemic is clearly dominating this election cycle, it is also highlighting in voters' minds the importance of robust environmental protections that preserve Pennsylvania's open spaces," said Josh McNeil, Executive Director of Conservation Voters of Pennsylvania, which, along with the Growing Greener Coalition, sponsored the poll. "As Harrisburg is forced to make tough decisions in difficult fiscal circumstances, voters demand that our elected leaders prioritize policies that protect clean air and drinking water."

More than 90 percent of Pennsylvania voters want Harrisburg to pursue a number of important environmental priorities, including preventing oil and gas pipeline accidents, preserving farmland, cleaning up rivers and streams and protecting the quality of Pennsylvania's drinking water.

"The poll sheds light on the oft-ignored moral aspect of land, water, and wildlife conservation: 9 in 10 Pennsylvanians say we need to take care of our natural environment for the sake of our children and grandchildren, the vast majority of these feeling quite strongly about this," said Andy Loza, Executive Director of WeConservePA, the facilitating partner of the Growing Greener Coalition. "And 9 in 10 Pennsylvanians believe that even in these tough times, state government still needs to find the money to invest in protecting our land, water, and wildlife."

Pennsylvania voters also overwhelmingly support increasing funding for critical environmental priorities - even if it means raising taxes and fees.

Nearly 75 percent of voters support dedicating existing sales tax revenue generated from outdoor recreation activities like hunting and fishing to programs that improve water quality. More than 60 percent of voter's support ending the state sales tax exemption for bottled water and using the revenue generated to improve water quality. And 60 percent support a \$10 a year tax increase to increase funding for conservation programs.

Source: David Huppert David@ceislermedia.com

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