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September 29, 2020

-VIA ELECTRONIC FILING -

Adam Teitzman
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Re: Docket No. 20200219-EI

Dear Mr. Teitzman:

Enclosed for filing in the above referenced docket are Florida Power & Light Company and Gulf Power Company's Comments Regarding League of United Latin American Citizens of Florida, Zoraida Santana, And Jesse Moody's Petition to Initiate Emergency Rulemaking to Prevent Electric Utility Shutoffs.

Should you have any questions regarding this filing, please contact me.

Sincerely,

s/ David M. Lee

David M. Lee

Attachment

cc: Parties of record

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition to initiate emergency rulemaking to prevent electric utility shutoffs, by League of United Latin American Citizens, Zoraida Santana, and Jesse Moody

Docket No. 20200219-EI

Filed: September 29, 2020

FLORIDA POWER & LIGHT COMPANY AND GULF POWER COMPANY’S COMMENTS REGARDING LEAGUE OF UNITED LATIN AMERICAN CITIZENS OF FLORIDA, ZORAIDA SANTANA, AND JESSE MOODY’S PETITION TO INITIATE EMERGENCY RULEMAKING TO PREVENT ELECTRIC UTILITY SHUTOFFS

Florida Power & Light Company (“FPL”) and Gulf Power Company (“Gulf”) (collectively “the Companies”) respectfully submit these comments for the Florida Public Service Commission’s (the “Commission”) consideration as it prepares to address the Petition to Initiate Emergency Rulemaking to Prevent Electric Utility Shutoffs filed on behalf of the League of United Latin American Citizens of Florida (“LULAC”), Zoraida Santana, and Jesse Moody (collectively “Petitioners”).

Petitioners are requesting an amendment to Rule 25-6.105, Florida Administrative Code (“F.A.C”), to prohibit electric utilities in Florida from disconnecting or refusing electric service for a period of at least ninety (90) days to customers who certify that they meet a prescriptive list of qualifying thresholds. For the reasons stated herein, the requested relief is not necessary and falls far short of meeting the criteria for an emergency rule under Section 120.54(4)(a), Fla. Stat.¹

FPL and Gulf have been markedly proactive and taken extraordinary measures to assist their customers in response to the COVID-19 pandemic. Many of these measures and initiatives were aggressively undertaken to assist customers from the onset of the pandemic and others have been added along the way. These measures include the following:

¹ The Commission must find “that an immediate danger to the public health, safety, or welfare requires emergency action.” Section 120.54(4)(a), Fla. Stat.

- By March 16, 2020, FPL and Gulf had suspended all disconnections for customers. As of the time of this filing, neither FPL nor Gulf has disconnected any customers;
- Beginning April 8, 2020, FPL and Gulf significantly increased their customer outreach efforts. Combined, FPL and Gulf have made 4.2 million (3.74 million FPL / 0.44 million Gulf) contacts with customers via letters, emails and calls as of the end of August in an effort to educate customers on energy efficiency measures, available aid resources and payment options;
- Since mid-March 2020, FPL and Gulf have offered longer and more flexible payment plans, in addition to waiving late payment fees² for customers who reach out and express hardship;
- FPL and Gulf have conducted proactive outreach to customers whose usage increased significantly, offering energy conservation tips, education, and offering to connect them to assistance agencies;
- In Docket No. 20200001-EI, FPL and Gulf filed for a mid-course correction to accelerate refunding fuel savings, normally spread out over twelve months in the following year, into customers' May 2020 bills. This resulted in residential customers receiving a one-time reduction on their May 2020 bill of nearly 25% for FPL and approximately 40% for Gulf;
- FPL, Gulf, their affiliates, and employees have donated more than \$4.5 million to non-profits and other organizations working to help Floridians affected by the coronavirus pandemic. This includes approximately \$1.5 million from shareholders and employees

² Gulf's Tariff does not provide for late payment charges.

to assist customers in need with their bill payments – funding that has not yet been fully tapped; and

- FPL also recently announced a program to provide bill relief to certain qualifying customers experiencing hardship:
 - For eligible residential and non-demand small business customers who are more than 90 days in arrears, FPL is offering a \$200 bill credit for any customer who pays their full past-due balance net of the bill credit.
 - For eligible residential and non-demand small business customers 60-89 days in arrears, FPL is offering a \$100 bill credit for any customer who pays their full past due balance net of the bill credit.
 - In Docket No. 20200211-EI, FPL filed a petition with this Commission requesting a temporary and expedited rule and tariff waiver to allow FPL to accelerate the refund of cash deposits for qualifying residential customers.³

Throughout this pandemic, federal funding has remained available through the Low Income Home Energy Assistance Program (“LIHEAP”), Emergency Home Energy Assistance for the Elderly Program (“EHEAP”) and other programs to assist customers struggling to pay their electric bills.⁴ As described above, FPL and Gulf have proactively reached out to their customers over 4.2 million times through multiple channels, via emails, flyers, news releases, and social media posts, in an effort to educate their customers on the available financial assistance options and to urge customers in need to contact the Companies for help. Additionally, FPL:

³ FPL’s petition is available at the following link: <http://www.psc.state.fl.us/library/filings/2020/08429-2020/08429-2020.pdf>.

⁴ FPL estimates there are approximately \$26 million in assistance funds available for its qualifying customers that have not been disbursed.

- Donated over 150 laptops to partner assist agencies to allow them to continue processing customers for assistance while in a remote environment;
- Created a comprehensive assistance webpage on FPL.com allowing customers to see exactly what assistance is available in their county (LIHEAP/EHEAP, federal Coronavirus Aid, Relief, and Economic Security Act and Care to Share) and direct links to applications to help expedite the process;
- Conducted proactive outreach campaigns to over 500,000 customers educating them on availability of assistance in their area:
 - 2,178 live calls to previous recipients of LIHEAP/EHEAP funding to educate them on available resources in their area.
 - 505,613 emails to prior LIHEAP/EHEAP recipients, participants in FPL's Medically Essential Service program and customers behind on their bills, offering the LIHEAP application for their area and/or a link to FPL's Assistance page with direct access to the LIHEAP application.
- Worked with 15 assistance agencies to provide them quick access and training on FPL's Assistance Portal, allowing them to view customer arrearage information and quickly process LIHEAP/EHEAP commitments for customers.

In order for customers to take advantage of the assistance funds and the utilities' support measures, customers must contact FPL and Gulf to request the assistance and relief. Despite FPL and Gulf's outreach campaign described above, approximately 85% of customers who are more than 30 days behind on their electric bills have not contacted the Companies to make payment arrangements for their accounts.

Unfortunately, it is FPL and Gulf's experience that most customers experiencing hardship do not engage the company or seek assistance until they receive a final notice in advance of disconnection. This has remained true during the pandemic. While disconnects are always a last resort and we do everything we can to avoid them, it should be noted that historically 90% of FPL's customers who are disconnected for nonpayment are reconnected within one day. In addition, FPL and Gulf remain mindful of the need to calibrate and, to the extent possible, mitigate arrearages and bad debt. With these factors in mind, FPL has resumed sending final notices for non-payment.⁵ FPL and Gulf remain committed to working with and assisting their customers, and the Companies will continue to offer the measures described herein, but it is critical for customers to contact their respective company to request that help. Notably, even if the Commission were to approve the emergency rule that the Petitioners have requested, customers would still have to contact their utility to begin the complex certification process that the proposed emergency rule contemplates, and the unfortunate fact remains that the threat of disconnection is the only way to prompt most customers who are behind on their bills to take action to get help.

When customers in need do reach out to the Companies, however, it is important to note that the Companies already do the two most important things that Petitioners' proposed emergency rule calls for: (1) the Companies work to get those customers in contact with assistance agencies; and (2) the Companies work to get them on payment arrangements so that the customers can avoid disconnection. These efforts are undertaken with the related goal of preventing past due balances from growing to the point of becoming unmanageable. As the table below demonstrates, the proposed emergency rule would actually make it much harder and burdensome for customers to deal with the Companies by requiring a complex certification process that simply is not needed.

⁵ FPL recently began sending final notices to some customers. Gulf has not begun issuing final notices.

Proposed Rule Requirement	Existing Process	Comments
Certification that customers have used their best efforts to obtain all available government assistance for their utility bill	Customer service agents work to inform customers of available options and get them connected to assistance programs	The existing process is superior to the proposed rule change that would put the burden on customers to educate and avail themselves to all existing aid
Certification that customers meet certain maximum income requirements	Not required. FPL and Gulf work to assist customers regardless of income level	The existing process is superior to the proposed rule change because it does not exclude customers based on their income
Certification that customers are unable to pay their full electric bill due to substantial loss of household income, loss of compensable hours of work or wages, lay-offs, or extraordinary out-of-pocket medical expenses	Not required. The Companies work with customers without consideration of the extent or cause of their economic difficulty	The existing process is superior to the proposed rule change because it does not exclude customers based on the circumstances that led to their financial hardship
Certification that customers are using their best efforts to make timely partial payments that are as close to the full payment as the individual's circumstances may permit, taking into account other nondiscretionary expenses	Customer service agents already work with customers to set up payment arrangements that can avoid disconnection and keep past due balances from becoming unmanageable	The proposed rule change adds nothing to the existing process
Certification that customer's only alternative to have access to electricity is to move into a homeless shelter or move into a new residence shared by other people who live in close quarters	Not required. The Companies work with customers without consideration of what alternative living arrangements they may or may not have	The existing process is superior to the proposed rule change because it does not exclude customers based on their options for alternative living arrangements
Certification that customers understand that they must still make utility payments and that fees, penalties, or interest for not making payments may still be charged or collected	FPL already waives late payment fees for customers who express a hardship, and Gulf does not charge late payment fees	The existing process is superior and the proposed rule change adds nothing
Certification that customers understand that at the end of this temporary halt on utility disconnections 90 days after this emergency rule goes into effect, their utility may require payment in full for all payments not made prior to and during the temporary halt and that failure to pay may make them subject to utility disconnection	The Companies already offer payment arrangements that are equal to or superior to the 90-day duration sought in the proposed rule change.	The existing process is superior and the proposed rule change adds nothing

In summary, the Petitioners' request for an emergency rule change does not acknowledge the substantial accommodations and extensive options that are already available to customers in need of financial assistance today. In addition, the request fails to meet the high standard for the promulgation of an emergency rule under Section 120.54(4) (a), Fla., Stat.

The proactive approach and the expansive set of initiatives instituted by the Companies have provided unprecedented assistance to customers impacted by COVID-19 and mitigated excessive incremental bad debt due to COVID-19. Both FPL and Gulf reiterate that disconnecting power is the absolutely last resort, and the Companies remain committed to working with their customers through these challenging times.

Respectfully submitted this 29th day of September, 2020.

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CERTIFICATE OF SERVICE
Docket No. 20200219-EI

I **HEREBY CERTIFY** that a true and correct copy of the foregoing document has been furnished by electronic mail on this 29th day of September 2020 to the following:

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