

March 13, 2020

Matthew Nelson, Chair
Department of Public Utilities
One South Station
Boston, MA 02110

Re: Request for Emergency Low-Income Residential Shut-Off Protections as Part of the COVID-19 Response

Dear Chairman Nelson:

Representatives from the low-income fuel assistance network,¹ the National Consumer Law Center, the Office of the Attorney General and Greater Boston Legal Services request that the Department implement consumer protections to assist vulnerable utility customers during the COVID-19 outbreak to protect the public health. As described below, we urge the Department to create a temporary public health moratorium to pause terminations of utility service during the current emergency.

On March 10, 2020, Governor Baker issued Executive Order No. 591: Declaration of a State of Emergency to Respond to COVID-19.² As you are aware, COVID-19 is a disease that is caused by a highly contagious novel coronavirus that that can cause serious illness or death. The World Health Organization has declared COVID-19 a pandemic.³

In response to this public health emergency, we urge the Department to create a temporary Public Health Moratorium on utility terminations, to last for the duration of the Massachusetts state of emergency.

We have communicated with the Massachusetts utility companies regarding these issues, and understand that the companies are generally favorable to protecting consumers during this public health crisis and are still discussing these matters internally.

There are many reasons to support a temporary moratorium on terminations. Maintaining public health requires that all households have uninterrupted access to electricity, heat, and hot water. Many low-income customers, and customers who were not previously identified as low-income, will likely face financial hardships as a result of health consequences, diminished income, or both. Households will need to maintain electric service to comply with directives to stay at home while sick, to work from home, to participate in on-line education, to consult with health care providers remotely, and to monitor the condition of vulnerable family and friends.

¹ Formally called "Massachusetts Energy Directors Association."

² Available at <https://www.mass.gov/executive-orders/no-591-declaration-of-a-state-of-emergency-to-respond-to-covid-19>.

³ *WHO Director-General's opening remarks at the media briefing on COVID-19 - 11 March 2020* (March 11, 2020), available at <https://www.who.int/dg/speeches/detail/who-director-general-s-opening-remarks-at-the-media-briefing-on-covid-19---11-march-2020>.

The undersigned recommend that the Department implement protections in line with those already adopted by the City of Seattle⁴ and the City of Detroit,⁵ which have taken steps to maintain uninterrupted access to various utility services during the public health emergency.

We appreciate your attention to this urgent public health and economic matter. We would be glad to discuss these proposals with the Department. Please contact Jenifer Bosco, National Consumer Law Center, at jbosco@nclc.org with any questions.

Respectfully,

National Consumer Law Center, on behalf of its low income clients

Massachusetts Energy Directors Association (MEDA)

Office of the Attorney General

Greater Boston Legal Services, on behalf of its low income clients

cc: Comm. Robert Hayden
Comm. Cecile M. Fraser
Nancy Stevens, Consumer Division Director

Monica Bharel, M.D., Commissioner of the Massachusetts Department of Public Health
Marylou Sudders, MSW, ACSW, Secretary of Health and Human Services

⁴ Daniel Beekman, *Seattle will keep customers' lights, water on during coronavirus emergency, defer taxes for small businesses* (March 10, 2020). Available at <https://www.seattletimes.com/seattle-news/health/seattle-will-keep-customers-lights-water-on-during-coronavirus-emergency-defer-taxes-for-small-businesses/>.

⁵ John Bowden, *Detroit officials halt water shutoffs over coronavirus outbreak concerns*, The Hill (March 9, 2020). Available at <https://thehill.com/homenews/state-watch/486705-detroit-officials-halt-water-shutoffs-over-coronavirus-outbreak-concerns>.