

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

March 31, 2020

ORDER GRANTING WAIVER

MAINE WATER COMPANY
Request for Waiver of Sections 6(C)
and 8(L) of Chapter 660

Docket No. 2020-00105

BARTLETT, Chair; WILLIAMSON and DAVIS, Commissioners

I. SUMMARY

With this Order, I grant Maine Water Company's (MWC) request for a temporary waiver of Chapter 660, §§6(C) and 8(J). This waiver applies to all water utilities operating in Maine and will remain in effect until the emergency moratorium on disconnections granted in Docket No. 2020-00081 ends.

II. BACKGROUND

A. Economic and Social Effects of Novel Coronavirus (COVID-19)

Since at least the beginning of 2020, a novel coronavirus causing an illness known as COVID-19 has created a global pandemic. The pandemic has led to a sea change in daily life, with certain gatherings of 10 or more people prohibited¹ and most schools and businesses closed, or their operations altered,² to minimize human proximity and encourage social distancing to slow the spread of the virus and preserve critical public-health resources. On March 13, 2020, the President of the United States

¹ Me. Exec. Order No. 14 FY 19/20 (Mar. 18, 2020), <https://www.maine.gov/governor/mills/sites/maine.gov/governor.mills/files/inline-files/Executive%20Order%20to%20Protect%20Public%20Health%20.pdf>.

² Me. Exec. Order No. 19 FY 19/20 (Mar. 24, 2020), https://www.maine.gov/governor/mills/sites/maine.gov/governor.mills/files/inline-files/An%20Order%20Regarding%20Essential%20Businesses%20and%20Operations%20_0.pdf.

declared a national state of emergency;³ on March 15, 2020, Governor Janet Mills declared a civil state of emergency.⁴ The social and economic disruption of the pandemic may only be in its early stages yet is widely apparent.

B. Emergency Moratorium on Utility Disconnections in Docket No. 2020-00081

In response to the economic and social disruption accompanying the spread of COVID-19, on March 16, 2020, the Commission declared a moratorium on utility disconnections until further notice. *Public Utilities Commission, Investigation of an Emergency Moratorium on Disconnection Activities*, Docket No. 2020-00081, Order (Mar. 16, 2020) (delegated order prohibiting disconnections under the following Commission rules: ch. 815, § 3; ch. 660, § 3; ch. 290, § 4); *see also* P.L. 2019, ch. 617 (emergency, effective Mar. 18, 2020 (providing for suspensions of certain utility disconnections in consultation with the Commission)).

C. Request for Waiver

On March 27, 2020, MWC filed a request for a waiver of certain sections of Chapter 660. In its request, MWC stated “[i]n alignment with our response to both the pandemic threat of Covid-19 and the Executive Order from Gov. Mills dated March 25, 2020, MWC would like the Commission to review certain

³ Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak (Mar. 13, 2020), <https://www.whitehouse.gov/presidential-actions/proclamation-declaring-national-emergency-concerning-novel-coronavirus-disease-covid-19-outbreak/>.

⁴ Proclamation of State of Civil Emergency to Further Protect Public Health (Mar. 15, 2020), <https://www.maine.gov/governor/mills/sites/maine.gov.governor.mills/files/inline-files/Proclamation%20of%20State%20of%20Civil%20Emergency%20To%20Further%20Protect%20Public%20Health.pdf>.

requirements of Chapter 660 and consider action in response to the need for water utilities across Maine to provide essential service and protect our employees in the coming weeks. Our ability to provide essential service is predicated on maintaining the health of our licensed operators.

Specifically, MWC requested a waiver of section 6(C) "Provision of Service by Next Business Day" and section 8(L) "Meter Reading." Section 6(C) states:

"[a] utility should provide service to an applicant as soon as possible, but must provide service by the end of the next business day after the request for service is received by the utility, or a deposit and/or unpaid account balance is paid, provided that facilities exist to provide service within that timeframe. If facilities do not exist, such as in the case where a line extension must be constructed, the utility must initiate its standard procedures to provide service by the end of the next business day after the request for service is received."

Section (L) states:

A utility must obtain an actual meter reading every billing period, unless: 1) extreme weather conditions, emergencies, equipment failure, work stoppages or other similar circumstances prevent an actual meter reading by utility employees; 2) the utility must have access to the customer's premises to obtain a reading and the utility is unable to gain access after using reasonable efforts to obtain such access; or 3) a customer is billed on a seasonal basis according to terms included in the rate schedule of the utility.

MWC states in its request that the waiver of §6(C) is necessary to allow it time to conduct the necessary screening for exposure to Covid-19 before entry on private property by its staff. MWC committed to complete this screening as quickly as possible and recognized the language "A utility should provide service to an applicant as soon as possible..." of the rule continues to apply. MWC

further stated, however, that it cannot be certain of its ability to complete the necessary screening within one business day.

With regards to the waiver of §8(L), MWC stated “[i]n alignment with the Governor’s declaration of an emergency, we request the Commission waive the requirement to obtain actual meter reads for every billing period for the duration of the emergency.” MWC explained that the majority of its meters are read through a remote reader where a meter technician must physically touch a reader to a remote meter pad attached to the customer’s house. Thus, to obtain actual meter reads, a meter technician must physically visit each and every customer home. In light of this, the waiver is necessary to observe current and expected restrictions on travel and shelter in place guidance provided in response to the COVID-19 pandemic.

III. DISCUSSION AND DECISION

In light of public health concerns arising from the COVID-19 pandemic and the State of Emergency declared by the Governor, I find good cause and that it is in the public interest—and not contrary to statute—to temporarily waive sections 6(C) and 8(L) of Chapter 660. Thus, I hereby do so, under the condition that water utilities complete the screening necessary prior to its employees entering an applicant’s home as quickly as possible and that the language “A utility should provide service to an applicant as soon as possible...” from section 6(C) continues to apply. Please note that that the waiver of section 6(C) applies only to situations where a water utility must physically enter an applicant’s home to effect the service connection.

Finally, these waivers are temporary and will remain in place for all water utilities as long as the Commission's moratorium on disconnections as set forth in the Commission's March 16, 2020 Order in Docket No. 2020-00081.

Dated at Augusta, Maine, this 31st day of March, 2020.

BY ORDER OF THE DIRECTOR OF
THE CONSUMER ASSISTANCE AND SAFETY DIVISION

/s/ Derek D. Davidson
Derek D. Davidson

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal the decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 11(D) of the Commission's Rules of Practice and Procedure (65-407 C.M.R. ch. 110) within **20** days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought. Any petition not granted within **20** days from the date of filing is denied.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within **21** days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S. § 1320(1)–(4) and the Maine Rules of Appellate Procedure.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.