



Consent Item 9

TO: East Bay Community Energy Board of Directors

FROM: Kelly Brezovec, Sr Manager of Account Services

SUBJECT: Extension of Temporary Revision to Terms and Conditions Section "Failure to Pay" and Temporary Suspension of Delinquent Accounts and Collections Policy

DATE: April 21, 2021

Recommendation

Adopt a Resolution to extend the temporary suspension of certain Customer Terms and Conditions and Administrative Policies and extend the suspension of the "Failure to Pay" section of the Service Terms and Conditions of the Delinquent Accounts and Collections Policy for an additional 70 days, until June 30, 2021.

Background and Discussion

On March 18, 2020, the Board approved a Resolution temporarily increasing the signing authority of the Chief Executive Officer for a period of 90 days to maintain operations during the COVID-19 pandemic, until June 16, 2020. The resolution also included the following:

Section 2. For a period of 90 days, the Board hereby authorizes the CEO to suspend the following customer terms and conditions and administrative policies:

- (a) Customer terms and conditions related to 'Failure to Pay' and
- (b) Delinquent Accounts and Collections Policy.

The temporary suspension of EBCE's customer terms and conditions related to 'Failure to Pay' and the Delinquent Accounts and Collections Policy has been extended three additional times:

- On June 17, 2020, the EBCE Board extended the suspension of the “Failure to Pay Section” of the Service Terms and Conditions of the Delinquent Accounts and Collections Policy for an additional 90 days, through September 14, 2020.
- On October 21, 2020, the Board again extended the suspension of the “Failure to Pay Section” of the Service Terms and Conditions of the Delinquent Accounts and Collections Policy for an additional 91 days, through January 20, 2021.
- On January 21, 2021, this action was repeated. The Board again extended the suspension of the “Failure to Pay Section” of the Service Terms and Conditions of the Delinquent Accounts and Collections Policy and extended for an additional 91 days, from to April 21, 2021.

PG&E has suspended service disconnections for non-payment for all residential and small business customers until June 30, 2021. Staff proposes that EBCE extend the suspension period for our own collections and “failure to pay” activities for an additional 70 days, through June 30, 2021. Unless the suspension is further extended by the Board on June 16, 2021, the approved EBCE policies regarding a failure to pay and delinquent account and collections would again become effective on July 1, 2021.

Staff will provide an additional update on the state of this policy based on the California Public Utilities Commission Resolution M-4842, dated February 11, 2021, Emergency Authorization and Order Directing Utilities to Implement Emergency Customer Protections to Support California Customers During the COVID-19 Pandemic. Resolution M-4842 extended customer protections through June 30, 2021, with an option to extend further.

Financial Impacts

The financial impact is minimal given the limited pool of customers who would be eligible for return to PG&E and for collections.

Attachments

- A. Resolution of the Board of Directors of the East Bay Community Energy Authority to Extend the Temporary Suspension of Certain Customer Terms and Conditions and Administrative Policies or an additional 70 days until June 30, 2021
- B. P-2018-4 Delinquent Accounts and Collections Policy

RESOLUTION NO. R-2021-X

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE EAST BAY COMMUNITY ENERGY AUTHORITY TO EXTEND THE TEMPORARY SUSPENSION OF CERTAIN CUSTOMER TERMS AND CONDITIONS AND ADMINISTRATIVE POLICIES FOR AN ADDITIONAL SEVENTY (70) DAYS UNTIL JUNE 30, 2021

WHEREAS, the East Bay Community Energy Authority (“EBCE”) was formed as a community choice aggregation agency (“CCA”) on December 1, 2016, Under the Joint Exercise of Power Act, California Government Code sections 6500 *et seq.*, among the County of Alameda, and the Cities of Albany, Berkeley, Dublin, Emeryville, Fremont, Hayward, Livermore, Piedmont, Oakland, San Leandro, and Union City to study, promote, develop, conduct, operate, and manage energy-related climate change programs in all of the member jurisdictions. The cities of Newark and Pleasanton, located in Alameda County, along with the City of Tracy, located in San Joaquin County, were added as members of EBCE and parties to the JPA in March of 2020.

WHEREAS, in December 2019, an outbreak of respiratory illness due to a novel coronavirus (a disease now known as COVID-19), spread around the world, impacting more than 75 countries, including the United States; and

WHEREAS, since the federal Centers for Disease Control and Prevention (“CDC”) confirmed the first possible case of community spread of COVID-19 in the United States on February 26, 2020, there has been a significant escalation of United States domestic cases and deaths from COVID-19; and

WHEREAS, on March 4, 2020, Gavin Newsom, Governor of the State of California, proclaimed a state of emergency to exist in California due to the spread of COVID-19; and

WHEREAS, on March 13, 2020, the President of the United States declared a national state of emergency due to COVID-19; and

WHEREAS, as of October 1, 2020, the California Department of Public Health reported over 835,000 cases and over 16,000 fatalities in the state; and

WHEREAS, as of December 24, 2020, the California Department of Public Health reported that statewide Intensive Care Unity capacity was only 1.1 percent, and the state had reported over 2 million COVID-19 cases and 23,000 fatalities; and

WHEREAS, as of April 4, 2021, the California Department of Public Health reported that 22.7% of Californians are fully vaccinated against COVID-19; and,

WHEREAS, many EBCE customers continue to face ongoing economic hardships as fall out the COVID-19 global health pandemic; and

WHEREAS, on March 18, 2020, the Board of Directors resolved to temporarily suspend, for a period of 90 days, certain customer terms and conditions and administrative policies associated with collections and customer payments; and

WHEREAS, on June 17, 2020, the Board of Directors resolved to extend, for an additional 90-day period, the suspension of certain customer terms and conditions and administrative policies associated with collections and customer payments; and

WHEREAS, on October 21, 2020, the Board of Directors resolved to temporarily extend, for a period of 91 days, the suspension of certain customer terms and conditions and administrative policies associated with collections and customer payments; and

WHEREAS, on January 20, 2021, the Board of Directors resolved to temporarily extend, for a period of 91 days, the suspension of certain customer terms and conditions and administrative policies associated with collections and customer payments; and

WHEREAS, PG&E has suspended disconnection services through June 30, 2021; and

WHEREAS, the California Public Utilities Commission has extended emergency customer protections through June 30, 2021, with an option to extend; and

WHEREAS, EBCE desires to further extend the temporary suspension of certain customer terms and conditions and administrative policies associated with collections and customer payments.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE EAST BAY COMMUNITY ENERGY AUTHORITY DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. For a period of 70 days, through June 30, 2021, the Board hereby authorizes the CEO to suspend the following customer terms and conditions and administrative policies:

- (a) Customer terms and conditions related to 'Failure to Pay' and
- (b) Delinquent Accounts and Collections Policy.

Section 2. Unless extended by the Board, this Resolution shall expire and be of no further force or effect on July 1, 2021, at which point the approved terms and policy shall resume to be effective.

ADOPTED AND APPROVED this 21th day of April 2021.

Dan Kalb, Chair

ATTEST:

Adrian Bankhead, Assistant Clerk of
Board



POLICY NO. 2018 - 4
Delinquent Accounts and
Collections

Agenda: February 7, 2018
Item No.: 7
Resolution: No Resolution
associated with policy

Subject: Delinquent Accounts and Collections Policy

Policies:

Delinquent Accounts:

Pursuant to Electric Rules 8 and 11, Pacific Gas & Electric (PG&E) uses the following process to determine past due accounts and the necessary action:

| Residential Accounts | | Non-Residential Accounts | |
|--------------------------|--|--------------------------|--|
| Day 1 - Issuance of Bill | Customer Receives Bill | Day 1 - Issuance of Bill | Customer Receives Bill |
| Day 22 | Past Due | Day 18 | Past Due |
| Day 27 - 33 | 15 Day Notice on Next Bill | Day 21 | 7 Day Notice Delivered |
| Day 41-47 | 48 Hour Notice via Mail | Day 29 | 24 Hour Phone Call or In Person Notice |
| Day 45 - 51 | 24 Hour Phone Call or In Person Notice | Day 32 | Account is Eligible for Disconnection |
| Day 50-56 | Account is Eligible for Disconnection | | |

Aging Accounts:

All EBCE accounts, whether Residential or Non-Residential, identified in the month aging accounts receivable report, as provided by PG&E, with outstanding balances over 90 days or more are eligible to be returned to PG&E.

EBCE Residential customer accounts exceeding \$250 in charges overdue for more than 90 days will be sent a late payment notification by EBCE. The customer will be provided 60 days to pay or make payment arrangements. If payment in full is not received within 60 days from the date of notification, or the terms of an activated payment arrangement are not fulfilled, the EBCE customer account may be closed and returned to PG&E bundled generation service on the next account meter read date. Residential customers returned to PG&E will be charged the applicable EBCE opt-out fee.

EBCE Non-Residential customer accounts exceeding \$500 in aggregate in unpaid charges for 60 days or more will be sent a late payment notification by EBCE. The customer will be provided 30 days to pay or make payment arrangements. If payment in full is not received within 30 days of the date of notification, or the terms of an activated payment arrangement are not fulfilled, the EBCE customer account may be closed and returned to PG&E bundled generation service on the next account meter read date. Non-residential customers returned to PG&E will be charged the applicable EBCE opt-out fee.

Collections:

Closed East Bay Community Energy accounts with overdue amounts greater than \$100 may be referred to a collection agency. Amounts \$100 or less may be written off. PG&E may close customer accounts before payment delinquencies bring them to the attention of EBCE operations. When PG&E closes customer accounts, these accounts are also closed in the EBCE program. In these cases, the thresholds outlined in the preceding paragraphs apply in either referring closed accounts to collections or writing off balances.