

# PUBLIC UTILITIES COMMISSION

City and County of San Francisco

RESOLUTION NO. 20-0162

WHEREAS, California Government Code Sections 8550 et seq., San Francisco Charter Section 3.100(14) and Chapter 7 of the San Francisco Administrative Code empower the Mayor to proclaim the existence of a local emergency, subject to concurrence by the Board of Supervisors as provided in the Charter, in the case of an emergency threatening the lives, property or welfare of the City and County or its citizens; and

WHEREAS, On February 25, 2020, the Mayor issued a Proclamation (the “Proclamation”) declaring a local emergency to exist in connection with the imminent spread within the City of a novel (new) coronavirus (“COVID-19”); and

WHEREAS, On March 3, 2020, the Board of Supervisors concurred in the Proclamation and in the actions taken by the Mayor to meet the emergency; and

WHEREAS, On March 4, 2020, Governor Gavin Newsom proclaimed a state of emergency to exist within the State due to the threat posed by COVID-19; and

WHEREAS, On March 6, 2020, the Local Health Officer declared a local health emergency under Section 101080 of the California Health and Safety Code, and the Board of Supervisors concurred in that declaration on March 10, 2020; and

WHEREAS, On March 6, 2020, the City issued public health guidance to encourage social distancing to disrupt the spread of COVID-19 and protect community health; and

WHEREAS, On March 13, 2020, Mayor London Beed issued the Second Supplement to the Mayoral Proclamation of a Local Emergency, which, among other things did the following:

1. Suspended for 60 days the following five rules of the San Francisco Public Utilities Commission (SFPUC): (a) the discontinuation or shut off of water service for residents and businesses in the City for non-payment of water and sewer bills, (b) the imposition of late payment penalties or fees for delinquent water and/or sewer bills, (c) the discontinuation or shut off of power service for SFPUC Hetch Hetchy Power Customers in San Francisco for non-payment of power bills, (d) the imposition of late payment penalties or fees for delinquent Hetch Hetchy Power Customer accounts, and (e) the return of delinquent CleanPowerSF Customers to PG&E generation service for failure to pay CleanPowerSF charges (referred to cumulatively herein as “Suspended SFPUC Shut Off Rules and Penalties”); and
2. Sections 150.4, 150.5, and 150.6 of the Public Works Code regarding the initiation of lien proceedings for delinquent water and sewer bills are suspended for the duration of the local emergency; and

WHEREAS, On March 16, 2020, the City’s Health Officer issued a stay safe at home order, Health Officer Order No. C19-07 (the “Stay Safe At Home Order”), requiring most people to remain in their homes subject to certain exceptions including obtaining essential goods such as food and necessary supplies, and requiring the closure of nonessential businesses and the Health Officer has amended the Stay Safe At Home Order to modify the ongoing restrictions; and

WHEREAS, On May 11, 2020, Mayor London Breed issued the Thirteenth Supplement to the Mayoral Proclamation of a Local Emergency, extending for an additional 60 days, through July 11, 2020, the Suspended SFPUC Shut Off Rules and Penalties; and

WHEREAS, On June 29, 2020, Mayor London Breed issued the Twenty-First Supplement to the Mayoral Proclamation of a Local Emergency, extending for an additional 30 days, through August 10, 2020, the Suspended SFPUC Shut Off Rules and Penalties; and

WHEREAS, The Mayoral Proclamation, Supplements to the Proclamation, and Health Orders issued during this emergency have all been issued because of the propensity of the virus to spread person to person and also because the virus physically is causing property loss or damage due to its proclivity to attach to surfaces for prolonged periods of time; and

WHEREAS, Loss of income as a result of the global COVID-19 pandemic may inhibit San Francisco residents and businesses from fulfilling their financial obligations, including public utility payments such as water, sewer, and electricity charges; and

WHEREAS, Ensuring that all people in San Francisco continue to have access to running water during this public health crisis to enable people to regularly wash their hands and maintain access to clean drinking water will help to prevent the spread of COVID-19 and prevent or alleviate illness or death due to the virus; and

WHEREAS, Ensuring that all customers in San Francisco that receive power services from the SFPUC continue to have access to electricity so they are able to receive important COVID-19 information, keep critical medical equipment functioning, and utilize power as needed will help to prevent the spread of COVID-19 and prevent or alleviate illness or death due to the virus; and

WHEREAS, Section D, Rules 4 and 5 of the *Rules and Regulations Governing Water Service To Customers*, established by Resolution No. 19-786, passed December 15, 1959, and last amended December 10, 2019, detail the rules for the discontinuation or shut off of water service for residents and businesses in the City for non-payment of water and sewer bills; and

WHEREAS, Schedule W-44 of the *Water Rate Schedules* details the rules governing the imposition of Late Payment Penalties for delinquent water and/or sewer bills; and

WHEREAS, Rule X of the *Rules and Regulations Governing Electric Service, Effective May 9, 2017*, details the Discontinuance and Restoration of Hetch Hetchy Power Service and Rule VIII of the *Rules and Regulations Governing Electric Service, Effective May 9, 2017*, details Penalties of Late Payment for Hetchy Power Service; and

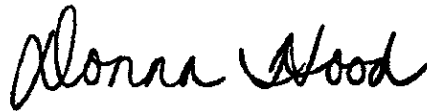
WHEREAS, The *CleanPowerSF Delinquent Accounts, Bad Debt and Collections Policy*, authorized by the General Manager on January 17, 2017, details the process for Delinquent Accounts, and dictates that the SFPUC return delinquent CleanPowerSF Customers to PG&E for failure to pay CleanPowerSF charges; now, therefore, be it

RESOLVED, That this Commission hereby authorizes the General Manager to temporarily suspend through January 15, 2021 the following: (a) the provisions in Section D, Rules 4 and 5 of the *Rules and Regulations Governing Water Service To Customers* governing the discontinuation or shut off of water service for residents and businesses in the City for non-payment of water and sewer bills, (b) the imposition of Late Payment Penalties for delinquent water and/or sewer bills set forth in Schedule W-44 of the *Water Rate Schedules*, (c) Rule X of

the *Rules and Regulations Governing Electric Service, Effective May 9, 2017*, regarding the Discontinuance and Restoration of Hetch Hetchy Power Service for SFPUC Hetch Hetchy Power Customers in San Francisco for non-payment of power bills, (d) Rule VIII of the *Rules and Regulations Governing Electric Service, Effective May 9, 2017*, governing Penalties of Late Payment for Hetchy Power Service for delinquent Hetch Hetchy Power Customer accounts, and (e) the provisions in the *CleanPowerSF Delinquent Accounts, Bad Debt and Collections Policy* governing the return of delinquent CleanPowerSF Customers to PG&E generation service for failure to pay CleanPowerSF charges; and be it

FURTHER RESOLVED, This temporary suspension shall remain in effect until January 15, 2021 unless terminated sooner by action of this Commission.

*I hereby certify that the foregoing resolution was adopted by the Public Utilities Commission at its meeting of July 28, 2020.*



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Secretary, Public Utilities Commission