



September 12, 2016

VIA EFILE

Secretary Rosemary Chiavetta
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Re: Duquesne Light Company Universal Service and Energy Conservation Plan for 2017-2019 Submitted in Compliance with 52 Pa. Code §§ 54.74
Docket No. M-2016-2534323

Dear Secretary Chiavetta,

Please find attached for filing the **Reply Comments of the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania to the Tentative Order Entered August 11, 2016** in the above captioned proceeding.

An electronic and hard copy of these Reply Comments were provided to Parties of Record, as indicated in the attached Certificate of Service. As ordered by the Commission in its August 11, 2016 Tentative Order (TO at 29, para. 4), a Microsoft Word version is also being provided via email to Joseph Magee, Sarah Dewey, and Louise Fink Smith.

Please feel free to contact me directly should you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Elizabeth R. Marx".

Elizabeth R. Marx
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cc: Parties of Record
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BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Duquesne Light Company Universal Service :
and Energy Conservation Plan for 2017-2019 : Docket No. M-2016-2534323
Submitted in Compliance with 52 Pa. Code :
§§ 54.74.

CERTIFICATE OF SERVICE

I hereby certify that I have this day served copies of the **Reply Comments of the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA) to the Tentative Order Entered August 11, 2016**, in accordance with 52 Pa. Code § 1.54 and the Commission's August 11, 2016 Tentative Order.

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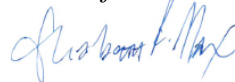
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Dated: September 12, 2016

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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Duquesne Light Company Universal Service
and Energy Conservation Plan for 2017-2019
Submitted in Compliance with 52 Pa. Code §§
54.74.

Docket No. M-2016-2534323

**REPLY COMMENTS
OF THE COALITION FOR AFFORDABLE UTILITY SERVICES
AND ENERGY EFFICIENCY IN PENNSYLVANIA TO THE
TENTATIVE ORDER ENTERED AUGUST 11, 2016**

Submitted on behalf of CAUSE-PA

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I. BACKGROUND

CAUSE-PA incorporates by reference the Background set forth in its initial Comments at this docket, which were filed with the Commission and served on parties of record and relevant Commission Staff on August 31, 2016. Initial Comments were also filed by Duquesne Light Company (Duquesne) and the Office of Consumer Advocate (OCA) on the same date.

CAUSE-PA submits the following Reply Comments in response to the Comments of Duquesne and the Office of Consumer Advocate. For the sake of brevity, CAUSE-PA will build upon - but will not reiterate - the extensive comments and recommendations it made in its initial Comments. Indeed, the positions and recommendations made in its initial Comments remain unchanged after reviewing the Comments of Duquesne and OCA.

II. REPLY COMMENTS

A. Customer Assistance Program (CAP)

i. Automatic Enrollment of LIHEAP Recipients into CAP

In response to the Commission's request for information about its efforts to inform customers when they have been auto-enrolled in LIHEAP, Duquesne explained that it provides auto-enrolled customers "with the same information provided during the in-person application process in written format" – including information related to the benefits and responsibilities of CAP – which it mails to the customer along with a welcome letter after auto-enrollment. (Duquesne Comments at 2). Duquesne also noted that it intends to provide a brochure highlighting its portfolio of Universal Service programs. (Id.)

The additional information provided by Duquesne is insufficiently detailed, and does not change CAUSE-PA's initial comments and recommendations: CAUSE-PA strongly supports

LIHEAP auto-enrollment at 85% of budget billing, but remains concerned about the adequacy of Duquesne's educational efforts for auto-enrolled customers. (CAUSE-PA Comments at 6-8). Indeed, auto-enrollment – and the provision of a 15% discount off budget billing (85% of budget billing), along with the other benefits of CAP – is a critical tool that helps Duquesne to bridge the gap between eligibility and enrollment, creates programmatic efficiencies and economies of scale, and streamlines enrollment and the delivery of assistance for vulnerable households that are already identified as being interested in and in dire need of assistance.

More information continues to be necessary to ensure that this critical enrollment mechanism remains intact as proposed and that customers subject to auto-enrollment are adequately apprised of their rights and obligations under the program. (CAUSE-PA Comments at 7). Therefore, CAUSE-PA continues to request that the Commission refer this matter to the Office of Administrative Law Judge to establish a record from which BCS can make a more informed decision. In the alternative, CAUSE-PA urges the Commission to – at the very least – order Duquesne to disclose data about its current auto-enrollment customers – including the number of auto-enrolled customers who respond to outreach from Duquesne, as well as sample outreach and educational documents used to solicit income verification from auto-enrolled CAP customers. In turn, CAUSE-PA requests that the Commission allow parties the opportunity to provide additional comment after review of this information.

This additional information – the outreach and education materials and the numbers of customers acting on the information provided in those materials – is critical to determining whether Duquesne's efforts to inform auto-enrolled customers about their rights and obligations under CAP are successful. CAUSE-PA asserts that any decision by the Commission to curtail auto-enrollment, to disallow initial auto-enrollment at the highest discount level, or to order

changes to Duquesne's current educational efforts should not be made in a vacuum and must be informed by this additional information.

The OCA also submitted Comments about Duquesne's LIHEAP auto-enrollment, explaining that it supports the continuation of auto-enrollment and does not oppose Duquesne's plan to increase the auto-enrollment rate discount from 100% of budget billing to 85% of budget billing and to continue offering other CAP benefits – including arrearage forgiveness and priority LIURP treatments. (OCA Comments at 4). That said, the OCA limited its support for auto-enrollment, noting that it “supports continuation of Duquesne's current process of requiring that LIHEAP recipients provide further income verification within 6 months.” (OCA Comments at 4).

CAUSE-PA notes that OCA's suggestion to limit auto-enrollment to a 6 month period has a certain practical appeal. However, like any decision to disapprove or modify a plan proposal, this limitation should be evaluated with the benefit of additional information. It would be unreasonable to curtail this important enrollment feature unless more information is known about the customers currently participating in CAP through auto-enrollment, and the educational efforts undertaken by Duquesne to ensure that auto-enrolled customers fully understand the benefits of verifying their income and completing enrollment in the program. And, as explained more thoroughly below, it is also critical to understand whether auto-enrolled customers who do not complete the enrollment process are held liable to repay the benefits received or are prohibited from entering CAP for a period of 12 months. Unless and until that information becomes available, it would be imprudent to make a decision about whether to continue auto-enrollment for a 6 month period (as Duquesne currently does) or 12 month period (as Duquesne proposed in its pending USECP).

ii. “Opting-Out” of Automatic Enrollment into CAP

In addition to raising questions about how Duquesne will educate customers who are auto-enrolled in CAP, the Commission also raised a number of questions about the duties and responsibilities of a customer who “opts out” of LIHEAP auto-enrollment. (TO at 9-11). In response to the Commission’s inquiry, Duquesne explained that an auto-enrolled customer may “opt-out” of CAP within 30 days. (Duquesne Comments at 2-3). After 30 days, an auto-enrolled customer “may leave CAP at any time thereafter.” (Id.). However, Duquesne explains that an auto-enrolled customer who does not opt-out, and subsequently submits verified income information, will be subject to its 12 month “stay-out” period. (Id.).

First, Duquesne’s explanation of its opt-out policy is incomplete, in that it fails to explain the rights of a customer who does not opt out within 30 days *and* does not subsequently submit verified income information. Likewise, Duquesne fails to directly address whether auto-enrolled customers are responsible to pay back previously incurred benefits if they (1) opt out before or after 30 days, (2) fail to recertify, or (3) otherwise withdraw or are removed from CAP.

Additional data about current auto-enrolled customers – including, for example, the number of auto-enrolled customers who exercise their right to opt out within 30 days of auto-enrollment and/or the number of auto-enrolled customers who withdraw from CAP after 30 days and are subject to the stay-out period – is also crucial to the Commission’s resolution of this issue.

CAUSE-PA recommends – as it did in its initial Comments – that the Commission refer this issue to the Office of Administrative Law Judge for further proceedings. In the alternative, CAUSE-PA requests that the Commission require Duquesne to further describe its opt-out policy and provide relevant data to better inform the Commission’s decisions. In turn, CAUSE-PA asks that interested parties be allowed to provide further comment in response thereto.

Notwithstanding the need for more information and clarification of Duquesne's policy for auto-enrollment opt-out, CAUSE-PA recommends that the Commission require Duquesne to allow an auto-enrolled customer to opt out at any time after they are auto-enrolled, unless and until the customer affirms their participation in CAP by submitting detailed income information. And, for the reasons explained in our initial Comments, CAUSE-PA asserts that customers who are auto-enrolled and later opt out of the program should not be required to pay back the benefits that inure to the customer through auto-enrollment and should not face barriers to CAP-reentry should they desire to do so. (CAUSE-PA Comments at 8-9).

iii. CAP Enrollment for Customers Who Relocate

In its TO, the Commission asked Duquesne to specify how CAP customers are treated when they relocate, and whether a customer may stay in CAP when they relocate to a new home within Duquesne's service territory. (TO at 11). CAUSE-PA noted its support for the Commission's inquiry in its initial Comments, and explained that it supports allowing CAP customers to move within the service territory without interruption to their CAP benefits. (CAUSE-PA Comments at 12).

In response to the Commission's inquiry, Duquesne clarified in its initial Comments that it does provide for seamless transition in CAP benefits for CAP customers who relocate within the service territory, and that a CAP customer does not need to take any additional steps to ensure that their CAP benefits remain intact. (Duquesne Comments at 3). Thus, CAUSE-PA supports continuation of this policy for the reasons stated in its initial Comments. (CAUSE-PA Comments at 12).

iv. One Year Stay-Out Provision for Customers that Default from CAP

In its TO, the Commission raised questions about Duquesne's application of a 12-month stay-out provision for CAP customers who default from the program for various reasons, including service termination. (TO at 12-13).

CAUSE-PA reiterates its opposition to Duquesne's 12-month stay-out for both voluntary and involuntary program removals, for the reasons explained at length in its initial Comments. (CAUSE-PA Comments at 12-17). We will not reiterate those arguments here, but rather focus on responding to the additional information Duquesne provided in Comments with respect to its 12-month stay-out policy for customers who were terminated, as well as to the arguments raised by the OCA in support of a stay-out for those who voluntarily withdraw from CAP.

In its Comments, Duquesne explains that its system is currently designed to remove customers from CAP just 14 days after termination. If the customer reconnects within 30 days, their CAP enrollment will be restored and they will not be subject to a 12-month stay-out.

Again, Duquesne's explanation is severely lacking, and does not explain the purpose of the 12-month stay-out for customers who are unable to reconnect to service within 30 days. As the Commission noted in its Tentative Order, "this stay-out provision does not appear to serve any purpose except to make it harder for low-income customers to obtain assistance in maintaining monthly payments after service restoration." (TO at 13). Indeed, this stay-out makes it far more likely that the customer will struggle to maintain service over an extended period of time – amassing significant additional arrears – for no apparent programmatic reason. Any CAP customer who is terminated for nonpayment, and later reconnects, should be restored in CAP immediately upon paying their past-due CAP arrears.

In its Comments, the OCA also opposes Duquesne's imposition of a 12-month stay-out for customers who are involuntarily terminated, aptly noting that these customers are likely ineligible for a payment agreement – further complicating their prospects at reestablishing service. CAUSE-PA agrees that this additional barrier is further reason for the Commission to reject Duquesne's 12-month stay-out for involuntarily terminated CAP customers. Given the high levels of low income termination in Duquesne's service territory, and the correspondingly low reconnection rates, Duquesne should not be allowed to impose additional programmatic rules to further restrict the ability for low income customers to reconnect to service – especially in light of the fact that Duquesne has failed to make any attempt to explain why a stay-out for involuntarily terminated customers is appropriate.

The OCA does not, however, oppose the imposition of a stay-out for CAP customers who voluntarily remove themselves from CAP, noting that it can “prevent ‘churn’, or optimization of the seasonal fluctuations in usage to the detriment of other ratepayers.” (OCA Comments at 8). As further support, the OCA notes that the Commission has approved similar stay-out provisions in Columbia and PGW service territories. (OCA Comments at 8). As CAUSE-PA noted in its initial Comments, there is no evidence set forth to suggest that churn is even a problem for electric utilities. (CAUSE-PA Comments at 14). In fact, OCA's comparison to stay-outs for voluntary program withdrawal approved in PGW and Columbia service territories is misplaced. Unlike gas utilities such as Columbia and PGW, where usage significantly declines in non-heating months, electric usage is subject to far less fluctuation in non-heating months. CAUSE-PA asserts that, without the submission of further data to support the need for a stay-out (as discussed in our initial Comments), the Commission should not allow for the imposition of a stay-out – even when the CAP customer voluntarily withdraws from the program. CAUSE-PA

thus reiterates its initial request that the matter of CAP stay-out provisions be referred to the Office of Administrative Law Judge for further proceedings and to gather relevant evidence of the potential benefits and harms of imposing CAP stay-out provisions.

v. Removing Customers from CAP Based on Income Information from a PUC Complaint

The Commission raised concerns in its TO about Duquesne using information from a PUC complaint as a basis for CAP removal, and ordered Duquesne to provide more information about how PUC complaint information is used in the removal process, and what rights the customer has to dispute. (TO at 13-14). In response, Duquesne explained that that it treats information from a PUC complaint “the same way as when a customer provides updated income information to the Company.” (Duquesne Comments at 4). Duquesne argued in favor of this process, noting that “BCS uses this income information to issue payment arrangements” and that it should be “considered to be verified as the customer should provide truthful and accurate income information to the BCS.” (Duquesne Comments at 4). Duquesne then noted that “[a] customer may always contact the Company to report a change in income or to dispute or clarify the information provided to Duquesne Light by the BCS.” (Id.)

Again, Duquesne’s explanation falls woefully short. The dispute rights Duquesne sets out are insufficient to meet very basic standards for due process, which requires meaningful notice and an opportunity to be heard. Duquesne explains that customers “may always contact the Company” to dispute their removal and/or changes to their CAP enrollment, but does not explain how CAP participants are notified about Duquesne’s reliance on external information to make a determination, nor does it explain how Duquesne reviews these sorts of complaints and what factors it uses in making a determination. CAUSE-PA urges the Commission to require

Duquesne to provide additional information about the process and procedure for customer notice and subsequent dispute rights, and requests that the Commission provide an additional comment period for interested parties to provide comments and recommendations about the proposed process and procedure.

vi. Minimum CAP Payments

The Commission ordered Duquesne to explain its minimum payment requirements, consistent with section 69.265(3)(i). In response, Duquesne explains that non-heating residential CAP customers are required to pay a minimum of \$15.00 per month, and residential heating CAP customers must pay a minimum of \$40.00 each month. (Duquesne Comments at 4).

CAUSE-PA notes that Duquesne's minimum bill requirements do appear to comply with the Commission's CAP Policy Statement; however, we question why Duquesne has set the minimum bill amount at the highest amount for both heating and non-heating CAP customers. CAUSE-PA asserts that these high minimum bill amounts likely contribute to the high energy burden shouldered by Duquesne's poorest CAP customers – those at or below 50% of the federal poverty guideline. As explained in our initial Comments, of those who are at or below 50% of the federal poverty guidelines, 86% of residential non-heating customers and 77% of residential heating customers pay more than the Commission-established energy burden, and the mean energy burden for this same group is 21% for residential non-heating customers and 39% for residential heating customers. (See APPRISE Report at 66, Table VII-12B; CAUSE-PA Comments at 20-21). In other words, over half of Duquesne's poorest customers are paying more than 1/5th of their monthly income on electricity costs alone. This inequitable result is contrary to the Commission's obligations to ensure the affordability of utility services through the provision of universal service programs.

CAUSE-PA recommends, as it did in its initial comments, that Duquesne be required to incorporate energy burdens into its CAP benefit calculation and, in turn, that it adjust its minimum CAP payment requirements downward to ensure that the poorest of Duquesne's customers are not disproportionately impacted by the high required rates.

vii. Zero Income Verification Procedure

The Commission ordered Duquesne to clarify the government agencies used to verify a statement of zero income, the actions taken once unreported income is discovered, and what rights a customer has to dispute and/or clarify this information.” (TO at 15). In response, Duquesne explained that the Company uses a “Zero Income Form” – and that applicants with zero income are not required to have the form notarized. (Duquesne Comments at 4).

CAUSE-PA commends Duquesne for not requiring notarization of its zero income form. A notary requirement tends to create additional barriers to enrollment which are particularly acute for low income consumers, including additional costs, transportation, child care, time off work. And, it does not verify the truth of a statement in a document. Rather, a notary signature merely verifies the validity of a document's signature and ensures that the document was signed willingly. Thus, CAUSE-PA recommends that the Commission approve Duquesne's current zero income procedure, which does not require applicants to provide a notarized document as proof of zero income.

B. Low Income Usage Reduction Program (LIURP / Smart Comfort)

i. CFLs

In its TO, the Commission requested that Duquesne consider replacing CFLs with LEDs as a standard LIURP (Smart Comfort) measure. (TO at 16). In response, Duquesne notes that it will switch from CFLs to LEDs in 2018, but does not provide any justification for its delay.

CAUSE-PA believes that the change-over to LED bulbs should not be delayed, and that absent a justifiable explanation for the delay, Duquesne should be required to install LED bulbs from the start of its 2017 Plan.

ii. Incidental Repair and Health & Safety

In its TO, the Commission required Duquesne to provide information about its treatment of incidental repairs and/or health and safety measures. (TO at 17). In response, Duquesne explained:

[Conservation Consultants, Inc. (CCI)] establishes the guidelines for the provision of weatherization services and has discretion to qualify unsuitable households for health and safety reasons (e.g. mold, moisture, structural damage, etc.). CCI can make incidental repairs in order to implement LIURP measures with consultation from Duquesne Light.

(Duquesne Comments at 5).

Duquesne's explanation is, again, insufficiently responsive to the Commission's inquiry, as it fails to set forth any information about the range of measures and repair that Duquesne will authorize, nor does it indicate the criteria it uses to determine whether to remediate health and safety concerns. If Duquesne relies on CCI's guidelines, then it should at least be able to state what those guidelines are and how it approves deviations from those guidelines to make incidental repairs. While flexibility is important in a program such as LIURP to account for the

many and varied circumstances encountered in the field, too much flexibility can lead to inequitable or inappropriate spending. As a contractor, CCI is required to follow Duquesne's program rules – not the other way around.

CAUSE-PA recommends that the Commission require Duquesne to provide details about CCI's health and safety guidelines, including the factors it uses to either reject or remediate health and safety concerns in a home in order to provide the home with LIURP services. In addition, Duquesne should provide data showing the number of homes rejected for health and safety reasons as well as the number of homes whose health and safety concerns were remediated through the program. Relevant expenditures and the types of repairs and/or measures installed should also be reported to the Commission. In turn, CAUSE-PA requests that an additional comment period be provided for interested parties to comment on the additional information and data.

C. Hardship Fund

i. Requiring Social Security Numbers

Duquesne's Hardship Fund requires applicants to provide a Social Security Number (SSN) for every member of the household in order to qualify for assistance. (TO at 20; USECP at 14). In its TO, the Commission encouraged Duquesne to allow for alternative documentation; however, it did not explicitly require Duquesne to do so. In its initial Comments, Duquesne further explained that its Social Security requirement "is not a requirement of Duquesne Light but rather that of Dollar Energy Fund ("Dollar Energy"), which administers Duquesne Light's Hardship Fund." (Duquesne Comments at 6).

As explained in our initial Comments, CAUSE-PA is strongly opposed to Social Security Number requirements, as they act as an insurmountable barrier for many vulnerable

Pennsylvanians. (CAUSE-PA Comments at 26-28). And, just as Duquesne cannot simply defer to CCI in setting forth LIURP health and safety program rules, Dollar Energy should not be allowed to set the program rules for Duquesne’s Hardship Fund programming. Duquesne has failed to set forth any logical reason for the SSN requirement that would overcome the significant and substantial barrier imposed by the same. As such, CAUSE-PA reiterates its recommendation that acceptable alternative identification – for all of Duquesne’s Universal Service programs –include Individual Tax Identification Numbers (ITIN), foreign-issued government identifications, employment identifications, county welfare identifications, student identifications, work visas, and student visas. Each of these documents can prove that the person is who they claim to be, and should thus be acceptable as identification for the purpose of applying for utility assistance programs.

D. Other Issues

i. Maximum CAP Credit Education

In its initial Comments, the OCA notes that APPRISE – the evaluator for Duquesne’s most recent six-year evaluation -- recommended that Duquesne “provide ‘information to CAP customers on the customer’s electric usage, the CAP credit limit, how much CAP credit the customer has used to date, and how much CAP credit is remaining.’” (OCA Comments at 13, citing APPRISE Report at 79). OCA explained that this recommendation stemmed from a finding that CAP customers generally “did not know the maximum CAP credit amount or even that such a maximum CAP credit existed.” (Id.)

CAUSE-PA supports the OCA’s recommendation. As OCA points out, “exceeding the maximum CAP credit may cause CAP participants to lose the benefits of the program, and CAP customers should understand how their usage tracks with the maximum CAP credit.” (OCA Comments at 14). CAUSE-PA adds here that reaching the maximum CAP credit limit before the end of the program

year can have disastrously harmful results for vulnerable low income households, leading to increased terminations and uncollectible expenses, significant health and safety risks, and decreased ability to purchase food and medicine. (See APPRISE Report at 46-47, Tables VI-25, Problems Meeting Financial Obligations, and VI-26, Used Kitchen Stove or Oven for Heat).

ii. Smart Comfort Home Visit Prior to Enrollment in CAP

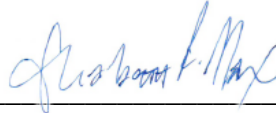
The OCA also pointed out in its initial Comments that Duquesne requires customers to participate in a Smart Comfort home visit prior to enrollment in CAP. (OCA Comments at 14, citing Duquesne USECP at 5). The OCA explained that the CAP Policy Statement requires CAP customers to participate in LIURP, but not as a precondition to enrollment in CAP. OCA recommends that Duquesne “allow CAP customers to temporarily enroll in CAP, pending the Smart Comfort home visit”, as it is likely to take several weeks or months to schedule an appointment. (OCA Comments at 14).

CAUSE-PA supports OCA’s recommendation, and notes that this program requirement is particularly detrimental to working households, which struggle to secure time off of work to allow for a home visit. Delaying the start of benefits to these households until they can secure time off of work to attend a home visit will only further exacerbate their income troubles. CAUSE-PA agrees with OCA that CAP enrollment should begin when the application is processed, and should not be delayed until after a home visit can occur. Duquesne should be required to submit a proposal for initial enrollment, complete with a proposed time-frame for scheduling a home visit and proposed notices for CAP customers to ensure their participation. CAUSE-PA further requests that an additional comment period be afforded to interested parties to respond and comment on this additional information.

III. CONCLUSION

CAUSE-PA thanks the Commission for this opportunity to submit these Reply Comments, and respectfully requests that, prior to final approval, the Commission direct Duquesne to provide additional information as described above, and provide for an additional comment period to allow interested stakeholders to respond. In addition, CAUSE-PA reiterates its request in its initial Comments that the Commission refer several of the more factually complex questions – including LIHEAP auto-recertification, CAP default and the imposition of stay-out provisions, modification of Duquesne’s calculation of CAP benefits to include consideration of PUC energy burden targets, LIURP job rates, and Duquesne’s tracking of confirmed low income customers – to the Office of Administrative Law Judge (OALJ) to allow interested parties the opportunity to conduct discovery and present testimony on the record for the Commission to consider in issuing a Final Order.

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