



February 2, 2023

Dominick A. Sisinni, Esq.
National Fuel Gas
P.O. Box 2081
Erie, PA 16512

RE: Revised LIRA Application in Compliance with National Fuel Gas Corporation's Revised 2022-2026 USECP, Docket No. M-2021-3024935

On December 22, 2022, the Pennsylvania Public Utility Commission (Commission) entered an Order (December Order) directing National Fuel Gas Distribution Corporation (NFG) to, *inter alia*, submit a revised Low Income Rate Assistance (LIRA, NFG's Customer Assistance Program) application within 30 days reflecting that minor income is not counted for LIRA eligibility. December Order at 8.

On January 13, 2023, NFG filed its proposed revised LIRA application. BCS has reviewed the proposed revised LIRA application and has identified an area where the application is inconsistent with NFG's approved 2022 2026 Universal Service and Energy Conservation Plan (2022 USECP).

Excluding Income for Dependents

The proposed revised LIRA application directs applicants to "provide income source for adult household members only, you do not need to list income for dependents." The application goes on to define dependents as "children or other individuals who are dependents under federal tax rules," and instructs that applicant to not report income information for dependents. Proposed Revised LIRA Application at 1-2.

The above language and instructions are inconsistent with the 2022 USECP, which excludes only the earned and unearned income of household members who are minors (*i.e.*, under the age of 18) when determining LIRA eligibility. 2022 USECP at 24. A dependent under federal tax rules can include relatives of any age living in household who meet certain conditions.¹ NFG's LIRA application should require applicants to provide earned and unearned income information for all adult household members (*i.e.*, age 18 or above) regardless of whether they are counted as dependents for federal tax purposes or not.

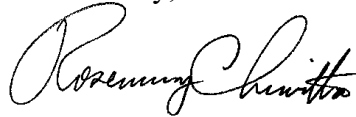
¹ <https://www.irs.gov/newsroom/things-taxpayers-should-know-about-claiming-dependents> Accessed: January 18, 2023.

Conclusion

Within 20 days, NFG is directed to file and serve a further revised LIRA application that clarifies that only the income for adult household members must be reported. NFG may submit its further revised LIRA Application to BCS for an informal compliance review prior to filing. The determinations in this Secretarial Letter have been made by BCS staff under authority delegated by the Commission. Parties have the right to seek reconsideration of this staff action. These determinations relative to the requirement of a further revised LIRA Application by BCS staff will be deemed to be the final action of the Commission unless reconsideration of the directives in this Secretarial Letter is sought from the Commission within 20 days after service of this Secretarial Letter. *See* 52 Pa. Code § 5.44 (relating to petitions for appeal from actions of the staff).

If you have any questions, please contact Norma Bowman in the Commission's Bureau of Consumer Services at nobowman@pa.gov.

Sincerely,



Rosemary Chiavetta
Secretary

cc: Norma Bowman, BCS, nobowman@pa.gov
Joseph Magee, BCS, jmagee@pa.gov
Louise Fink Smith, Law Bureau, finksmith@pa.gov