



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
COMMONWEALTH KEYSTONE BUILDING
400 NORTH STREET
HARRISBURG, PENNSYLVANIA 17120

IN REPLY, PLEASE
REFER TO OUR FILES
M-2023-3038944

March 27, 2023

To: All Jurisdictional Fixed Public Utilities:

RE: 2023 Review of All Jurisdictional Fixed Utilities' Universal Service Programs

It is in the public interest to ensure that all Pennsylvanians have access to safe and reliable utility services regardless of their ability to pay. As a result, it is important that the Pennsylvania Public Utility Commission (Commission) review its universal service policies from time to time. This includes, among other things, all jurisdictional fixed utilities' universal service programs, including Customer Assistance Programs (CAPs). Therefore, the Commission seeks comments from interested parties regarding how the Commission's regulations, policies and procedures could be revised with a particular focus on 1) increasing program coordination among all utilities, 2) streamlining the eligibility and enrollment process, and 3) reducing the number of otherwise eligible consumers from losing low-income benefits due to the verification or re-enrollment process. A review of these comments may help inform the Commission's consideration of improvements to the existing programs, including improvements that may be considered in the context of a future rulemaking proceeding.

Background

The Commission and various stakeholders began addressing low-income policies and practices for Pennsylvania utilities as early as the 1980s. Subsequent state legislation involving the electric, natural gas, and telecommunications industries codified in the Public Utility Code the importance of, among other things, "continu[ing] the protections, policies and services that now assist customers who are low-income to afford electric service," 66 Pa. C.S. § 2802(10), "at a minimum, continu[ing] the level and nature of the consumer protections, policies and services ... to assist low-income retail gas customers to afford natural gas services," 66 Pa.C.S. § 2203(7), and "maintaining universal telecommunications services at affordable rates." 66 Pa.C.S. § 3011(2).

Subsequently, the Commission has, among other things, established and amended the CAP Policy Statement with the most recent amendment happening in 2019.¹ At the same time, low-income programs for Pennsylvania's electric distribution companies (EDCs) and natural gas distribution companies (NGDCs) have been approved by the Commission pursuant to the respective restructuring acts, and Pennsylvania's incumbent local exchange telecommunications companies (ILECs) have developed low-income assistance programs as well. Recently, some

¹ -2019 Amendments to Policy Statement on Customer Assistance Programs, 52 Pa.Code §§ 69.261-69.267, Docket No. M-2019-3012599 (Final Policy Statement and Order entered November 5, 2019), 50 Pa.B. 1653 (3/21/2020), effective March 21, 2020 (CAP Policy Statement (2020)).

jurisdictional water utilities have voluntarily implemented programs to assist their low-income consumers. The history of the efforts of this Commission, jurisdictional utilities, low-income advocates, and others in increasing the provision of utility service to low-income Pennsylvanians is well documented.

A review of the current status of universal service program design at this time is again prudent to consider further improvements to the existing programs.

Request for Comments

The Commission is interested in reviewing areas where jurisdictional fixed utilities' universal service programs may be improved. The goal of these improvement considerations is to make enrollment and retainment in universal service as efficient as possible for the consumer and the utility while maintaining proper diligence and verification for eligibility. This could include, but may not be limited to, using one enrollment application to cover all of the consumer's utilities to eliminate, for example, the need for a consumer to provide the same basic information to each utility serving that particular consumer. This could make enrollment in multiple programs more convenient for consumers and streamline the intake process for each utility.

The Commission seeks consideration of a design whereby, among other things, if a consumer is already enrolled or is enrolling in one utility program, the consumer would meet the eligibility for universal enrollment in the consumer's other utilities' programs without having to go through the application process separately for each utility. The goal would be to make enrollment in each utility's program streamlined by having one intake that is then used to enroll the consumer in each utility's universal service programs, including usage reduction programs.

Additionally, another topic for consideration to streamline the eligibility process is to permit a consumer to use a low-income assistance determination from another government agency that verified the applicant's household income to establish eligibility for the universal enrollment in the consumer's utilities' assistance programs. Such other government programs may include, but are not limited to, Low Income Home Energy Assistance Program (LIHEAP), Low Income Household Water Assistance Program (LIHWAP), Supplemental Security Income Program (SSI), Supplemental Nutrition Assistance Program (SNAP), Temporary Assistance to Needy Families (TANF), Medicaid for Adults 19-64, Lifeline or Affordable Connectivity Plan and other utility assistance programs, Head Start/Early Head Start programs, and the Housing Choice Voucher Program.

To these ends, the Commission is requesting comments from all interested parties on the following topics:

1. What regulatory barriers are in place that would prevent utilities from having one utility do intake and then having that information provided to other utilities that provide service to that consumer for the purpose of universal service and CAP enrollment?

2. What regulatory barriers or other obstacles exist if an outside provider does the intake on behalf of multiple utilities serving the consumer and what solutions exist to overcome any barriers?
3. How can consumer consent be built into the intake process that permits the utility doing the intake to provide the enrollment information to the other utilities serving the consumer?
4. Is an automatic enrollment program feasible where any mechanism through which an electronic exchange of information between a utility and a state social service agency confirms the eligibility of public benefits whether or not the information is expressly authorized by the household? If express authorization is needed, rather than automatic enrollment, can that express authorization be provided one time in a uniform application rather than on a utility-by-utility basis using separate applications?
5. Should CAPs be administered statewide across all utility service territories rather than on a utility-by-utility basis? If so, what are the barriers to accomplishing this and what are the benefits and drawbacks to this approach? If not, what are the benefits and drawbacks of continuing to administer the programs on a utility-by-utility basis?
6. What changes would be required to EDCs' and NGDCs' existing, Commission-approved universal service and energy conservation programs to incorporate improvements and could changes be addressed in a streamlined fashion?
7. What additional consumer education and outreach could be undertaken to make more low-income consumers aware of the benefits that may be available to them?
8. Can recertification periods in the existing CAP Policy Statement at Section 69.265(8)(viii) be extended so that otherwise eligible consumers do not lose benefits solely due to the fact that they timely failed to recertify their eligibility?
9. Can the default provisions in the existing CAP Policy Statement at Section 69.265(9) be modified to reduce the chances that otherwise eligible consumers do not lose benefits solely due to the failure to comply with one of the articulated default provisions?
10. Should utilities be required to develop and use standardized CAP forms and CAP procedures? What are the barriers, if any, of establishing a common application?
11. What other additions or changes to the existing CAP Policy Statement should be made to increase eligibility, enrollment and maintenance of CAP benefits?
12. Should the CAP Policy Statement be amended to include jurisdictional water public utilities, and, if so, what barriers if any exist to doing so and how can those barriers be overcome?

13. If a coordinated enrollment process could be achieved with respect to CAP, could that same process be applied to identify eligibility for a utility's Low Income Usage Reduction Program (LIURP) or eligibility for receipt of hardship fund grants?

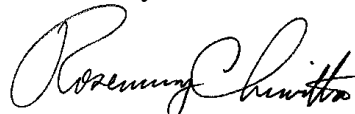
14. What changes are required to the Commission's existing policies or regulations to incorporate improvements?

Conclusion

Interested parties are invited to file written comments at this docket regarding increasing universal service program coordination among all fixed public utilities, streamlining the eligibility and enrollment process for universal service programs and reducing the number of otherwise eligible consumers from losing low-income benefits due to the verification or re-enrollment process, as discussed above. Comments must be filed within sixty (60) days of publication of this Secretarial Letter in the *Pennsylvania Bulletin*.

Comments to this Secretarial Letter must be filed electronically through the Commission's e-filing system,² provided that the comments are less than 250 pages. Alternatively, one original signed copy of comments may be filed with the Commission's Secretary at: Pennsylvania Public Utility Commission, Commonwealth Keystone Building 2nd Floor, 400 North Street, Harrisburg, PA 17120. All pages of filed comments, with the exception of a cover letter, must be numbered.

Sincerely,



Rosemary Chiavetta
Secretary

cc: Gladys Brown Dutrieuille, Chairman
Stephen M. DeFrank, Vice Chairman
Ralph V. Yanora, Commissioner
Kathryn L. Zerfuss, Commissioner
John F. Coleman, Jr, Commissioner
Alexis Bechtel, Director, Bureau of Consumer Services

² <https://www.puc.pa.gov/efiling/default.aspx>