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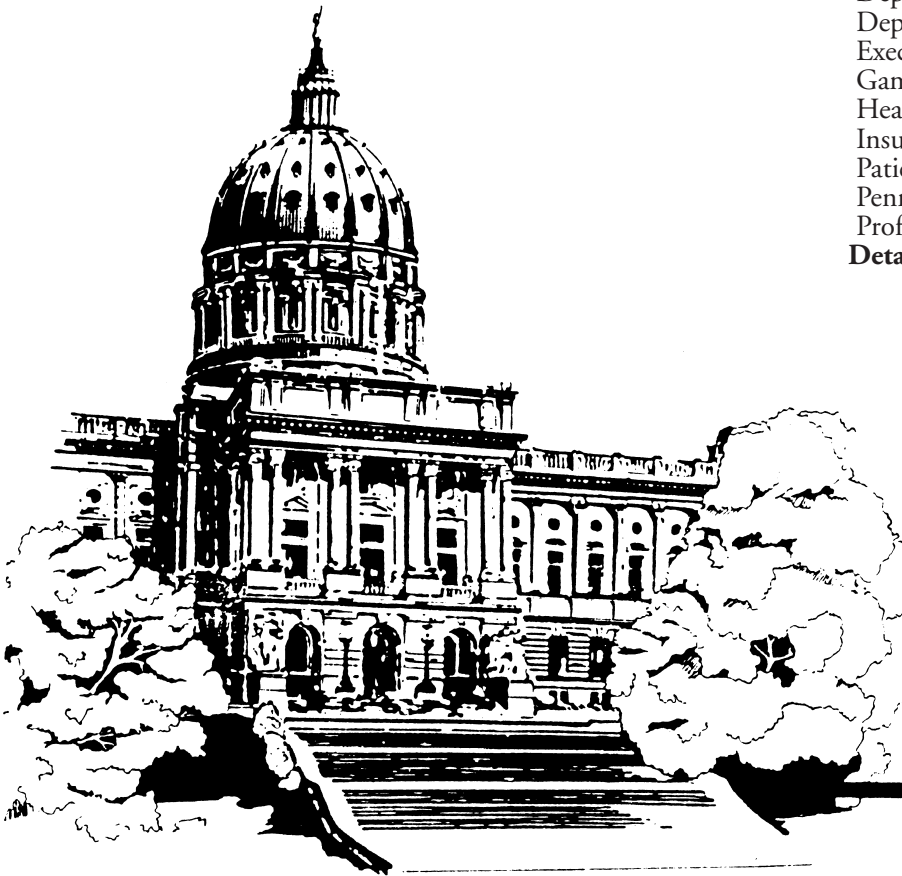
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Find individual's local number: <https://us06web.zoom.us/j/84411200000>

Individuals having questions regarding this meeting should contact the Authority at (717) 346-0469.

A closed executive session of the Authority's Board of Directors will be held on April 27, 2023, at 12:30 p.m. by means of Zoom. The purpose of the executive session is for consideration of personnel matters and to engage in nondeliberative informational discussions regarding various actions and matters which have been approved at previous public meetings.

REGINA M. HOFFMAN, MBA, BSN, RN, CPPS,
Executive Director

[Pa.B. Doc. No. 23-477. Filed for public inspection April 7, 2023, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

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 elec-

tric 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 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?

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)).

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

**Review of All Jurisdictional Fixed Public Meeting
Held March 16, 2023 Utilities' Universal Service
Programs; 3038944-CMR; Docket No. M-2023-3038944**

**JOINT STATEMENT OF COMMISSIONER
JOHN F. COLEMAN, JR. AND COMMISSIONER
RALPH V. YANORA**

Before us today is the Joint C-Motion of Vice Chairman DeFrank and Commissioner Zerfuss requesting comments, review, and potential revisions to the Pennsylvania Public Utility Commission's (Commission) universal service policies for electric distribution companies (EDC), natural gas distribution companies (NGDC), jurisdictional water utilities, and incumbent local exchange telecommunications companies.

As noted in the Joint C-Motion, the Commission recently completed a two year, comprehensive review of universal service policies, practices, procedures, and impacts. This review resulted in amendments to the Customer Assistance Program (CAP) Policy Statement effective March 21, 2020. The Commission also implemented at that time a pilot Universal Service and Energy Conservation Program (USECP) filing schedule making proposed USECPs effective for at least five years.

We do not support another review of universal service policies and programs at this time. We are not persuaded that the Joint C-Motion will cover new ground, different from the recent universal service proceedings, relevant water proceedings, or initiatives by the Pennsylvania Department of Human Services (DHS) in this area. We do not support asking all jurisdictional fixed utilities to file comments in response to questions that are premature, duplicative, or overly broad. It is not prudent to direct limited resources to repeat tasks so recently completed or nearly completed.

The EDCs and NGDCs have been submitting carefully crafted universal service plans in response to the amended CAP Policy Statement. The Commission's Bureau of Consumer Services has been working diligently to review these filings. The Commission is about midway through its schedule for reviewing and approving these plans. The EDCs and NGDCs should concentrate their efforts on designing and implementing these new universal service plans, while stakeholders and the Commission should concentrate on reviewing and evaluating the same.

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

In addition to the universal service plans, the Commission has an ongoing rulemaking regarding the Commission's regulations for Low-Income Usage Reduction Programs (LIURP). The Commission received reply comments on updating the LIURP regulations back in 2017. The proceeding was then deferred, pending amendment of the CAP Policy Statement.

Commission, utility, and stakeholder resources should be refocused on the LIURP proceeding.

With respect to jurisdictional water utilities, the major water utilities have recently received approval, or are in the process of seeking approval, for ratepayer-funded low-income programs similar to EDC and NGDC universal service programs. Again, we should allow these programs to be fully implemented and evaluated before shifting the focus to further changes.

On the question of sharing customer information, this issue is currently being addressed by DHS. We know from a recent meeting of the LIHEAP Advisory Committee that DHS plans to implement data sharing of household information to utilities (with customer consent) beginning with the 2023-2024 LIHEAP season.

We are also concerned that the Joint C-Motion does not solicit any input on universal service costs. In the universal service and relevant water proceedings, affordability issues and the need for cost control have been repeatedly raised by the Office of Consumer Advocate (OCA). We unreservedly acknowledge the need for utilities to assist payment troubled customers in Pennsylvania. At the same time, like the OCA, we must recognize that the burden to pay for these programs falls on residential customers. In 2021, a total of almost \$457 million was spent on the USECPs of the energy utilities, a \$95 million increase from 2020's spending of \$362 million.

We are concerned about the increasing burden USECPs place on the "ALICE" utility customers of our state. The United Way defines ALICE individuals and households as Asset Limited, Income Constrained, Employed.³ It provides as examples cashiers, waiters, childcare providers, and other members of our essential workforce. These families struggle to earn enough to make ends meet and stay afloat, and through that effort, maintain an income just above the Federal Poverty Level benefit cutoff and, as such, they do not qualify for payment assistance. The United Way points out that this type of hardship is pervasive and disproportionately affects families of color and single parents. It also notes that those under 25 and over 65 years of age are more likely to be considered ALICE customers. The proposed Joint C-Motion champions the unlimited expansion of universal service programs without consideration of the costs these programs place on hard-working yet struggling families.

Customer Assistance Programs were originally implemented in the face of increasing uncollectible costs and were intended to benefit all customers: low-income, payment troubled customers received a lower bill, the payment of which would lower a utility's uncollectibles and in turn provide for stable, if not lower, rates for all customers. We should not lose sight of this original purpose. In this same vein, the General Assembly will soon begin its review of Chapter 14 of the Public Utility Code. Chapter 14 was also implemented to reduce utilities' uncollectible accounts. The Commission should be cautious of usurping policy prerogatives that belong to the elected legislative and executive branch officials.

³ <https://www.unitedforalice.org/demographics/pennsylvania>

A goal of the Commission is to balance the needs of all ratepayers. The Commission should administer universal service programs in a way that assists low-income, payment troubled customers, while paying close attention to the financial impact these programs may have on residential customers as a whole. We cannot agree to a review, and possible expansion, of these programs that does not consider the needs of Pennsylvania families that are working, essential, and struggling. For these reasons, we will be dissenting from the Joint C-Motion.

JOHN F. COLEMAN, JR.,
Commissioner

RALPH V. YANORA,
Commissioner

Date: March 16, 2023

[Pa.B. Doc. No. 23-478. Filed for public inspection April 7, 2023, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Damage Prevention Committee Nominations

The Pennsylvania Public Utility Commission (Commission) is authorized by the act of October 30, 2017 (P.L. 806, No. 50) (Act 50), to enforce provisions of the act of December 10, 1974 (P.L. 852, No. 287), also known as the Underground Utility Line Protection Law or the One Call Law. Included in Act 50 is the creation of a Damage Prevention Committee (Committee), which will meet regularly to review alleged violations of Act 50 and make determinations as to the appropriate response including, but not limited to, the issuance of warning letters or administrative penalties.

The Commission is currently accepting Committee nominations for a representative from the following industry:

1. Nonmunicipally owned or affiliated facility owner industries—Cable Television—nominated by facility owners or affiliated organizations (1 position).

Forms and instructions for submitting nominations are available on the Commission's at <https://www.puc.pa.gov/pipeline/damage-prevention-committee/>.

Completed nomination forms should be submitted directly to the Secretary of the Commission, Rosemary Chiavetta, at rchiavetta@pa.gov. Committee nominations will be accepted until the close of business at 4:30 p.m., on May 5, 2023.

Appointments to the Committee will begin in June of 2023, and persons appointed to the Committee must have the appropriate level of expertise within the operation of Act 50.

Each member shall serve a term of 3 years. After the term is completed, members seeking to remain on the Committee are required to reapply for Committee membership.

Questions regarding nominations for the Commission's Committee should be directed to Sara Locke, Supervisor, salocke@pa.gov, (717) 772-8584.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 23-479. Filed for public inspection April 7, 2023, 9:00 a.m.]