



**Via Electronic Filing**

June 6, 2023

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

RE: ***2023 Review of All Jurisdictional Fixed Utilities  
Universal Service Programs  
Docket No. M-2023-3038944***

Dear Secretary Chiavetta:

Enclosed for filing, please find Aqua Pennsylvania, Inc.'s Comments to the Pennsylvania Public Utility Commission's 2023 Review of All Jurisdictional Fixed Utilities' Universal Service Programs.

Sincerely,

*Mary McFall Hopper*

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Enclosure

**BEFORE THE**  
**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

2023 Review of All Jurisdictional Fixed                   : Docket No. M-2023-3038944  
Utilities’ Universal Service Programs                    :  
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**COMMENTS OF AQUA PENNSYLVANIA, INC.**

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AND NOW COMES Aqua Pennsylvania, Inc. (“Aqua” or the “Company”) pursuant to the Joint Motion of Vice Chairman Stephen DeFrank and Commissioner Kathryn L. Zerfuss, published in the Pennsylvania Bulletin on April 8, 2023, to file these comments with the Pennsylvania Public Utility Commission (“Commission”). The Joint Motion proposes a review all jurisdictional utilities’ universal service programs.

**I. INTRODUCTION**

Aqua is a Class A water utility, operating under Commission issued certificates of public convenience. Aqua serves approximately 448,000 water customers and, through its subsidiary Aqua Pennsylvania Wastewater, Inc., 60,000 wastewater customers in various counties throughout Pennsylvania. Aqua commends the Commission for its efforts to ensure all Pennsylvanians have access to safe and reliable utility services regardless of their ability to pay. Aqua, as a jurisdictional water and wastewater utility, is not subject to the regulatory framework that permitted and required universal service programs for low income electric, natural gas, and telecommunications services in Pennsylvania and as such its comments are submitted to address general issues related to low-income programs. Aqua recently implemented its universal program which was approved as part

of its recent base rate case proceedings at PUC Docket Nos. R-2021-3027385 and R-2021-3027386.

## **II. BACKGROUND**

Through this secretarial letter, the Commission's goal is to review and seek areas of improvement in utilities' universal service programs, including Customer Assistance Programs (CAPs), to increase program coordination amongst utilities, streamline the eligibility and intake process, and reduce the number of eligible customers losing benefits due to the verification or re-enrollment process.

The Commission and various stakeholders have addressed low-income policies in Pennsylvania since the 1980s. State legislation concerning the utilities industry codified in the Public Utility Code the importance of the protections, policies and services that now assist customers who are low-income for electric, 66 Pa. C.S. § 2802(10), natural gas, 66 Pa.C.S. § 2203(7), and telecommunications services, 66 Pa.C.S. § 3011(2). The Commission also established and amended the CAP Policy Statement, the latest in 2019.<sup>1</sup> The statute and CAP Policy statement are applicable to regulated electric, natural gas and telecommunications utilities are not applicable to jurisdictional water utilities.

Some jurisdictional water utilities, such as Aqua, have voluntarily implemented programs to assist their low-income consumers. Aqua's assistance programs include a comprehensive CAP which provides both discounts on current water and wastewater bills to improve affordability and arrearage forgiveness benefits to eliminate pre-program arrears over time as participants maintain their monthly payments. Aqua also proposed and received approval for a leak repair program and

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<sup>1</sup> 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).

conservation kits to assist qualifying customers. Aqua submits that its newly enacted assistance programs provide significant benefits to its customers, however it does not have the extensive experiences of the other utilities who have been operating these programs for some time and as such, its comments are limited in scope.

### **III. COMMENTS**

The Commission specifically requests comments address a series of questions:

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?

As a water and wastewater provider with a newly approved CAP, Aqua is interested in incorporating best practices from other utilities and to the extent enrollment can be streamlined Aqua would support changes suggested by stakeholders in this proceeding

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?

Given that Aqua's universal services programs have been recently approved and implemented, the Company is not in a position to comment regarding the viability of a sole outside provider providing intake. Aqua has signed an agreement with the Department of Human Services ("DHS") in Pennsylvania to allow Aqua to receive the income information submitted during the Low Income Household Water Assistance Program ("LIHWAP") to be

utilized for the purposes of enrollment in Aqua's CAP. The Company has not yet received such data, but is looking forward to streamlining enrollment for customers when DHS begins to share such information. The agreement provided standard data protection language and would be relatively easy to implement by DHS or other entities with utilities for the purposes of sharing income information to support enrollment/recertification in utility programs.

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?

Given that Aqua's universal services programs have been recently approved and implemented, the Company is not in a position to comment regarding customer consent for one program to apply to all other utilities that service the customer. Aqua, however, supports documented verbal consent to allow customers to share their information for the purposes of enrolling or recertifying participation in a utility CAP.

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?

Aqua does not support automatic enrollment but would be open to further discussion on accelerated enrollment for certain customers with the option to decline participation for those customers for whom Aqua receives income information (i.e. LIHWAP data) that confirms their eligibility. This method would allow Aqua the opportunity to use the data to target customers who are income-eligible and meet other criteria for program participation while eliminating the barrier of providing income documentation to enroll.

5. Should CAP programs 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?

Given that Aqua's universal services programs have been recently approved and implemented, the Company is not in a position to comment regarding whether CAP programs should be administered across all utilities service territories. Aqua, however, supports utility administration of CAPs that ensure an appropriate balance between the needs of customers seeking assistance with the cost to ratepayers of providing such assistance.

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?

Aqua has no comment.

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?

Aqua's program is in its initial stages and the Company is currently conducting outreach under its first Consumer Education and Outreach Plan (CEOP) and therefore has no recommendations on this topic at this time.

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?

Aqua has no comment.

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?

Aqua has no comment.

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?

Aqua recommends that individual utilities develop customer friendly applications that solicit required information in the most efficient manner possible, rather than requiring all utilities to use a standard form which could lead to implementation costs and potential

difficulties for customers seeking program access. Aqua recognizes the benefit of collaboration among utilities in the development of applications and other CAP forms to improve customer experience and ease enrollment, and welcomes the opportunity to contribute to this effort.

11. What other additions or changes to the existing CAP Policy Statement should be made to increase eligibility, enrollment and maintenance of CAP benefits?

Aqua has no comment.

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?

Given that water and wastewater CAPs are in their infancy, Aqua believes these programs should be treated similarly to small energy utilities which are not covered by the existing CAP Policy Statement applicable to electric and natural gas utilities, but are encouraged to develop and offer CAPs for the benefit of their customers. These smaller energy companies are not required to develop a Universal Service and Energy Conservation Plan (“USECP”) or participate in independent evaluations, both of which can be costly to ratepayers. Instead, these smaller utilities provide annual information to the Bureau of Consumer Services through a survey, which includes requests for information regarding the eligibility, enrollment levels and participation. Aqua believes the annual survey approach is appropriate for jurisdictional water and wastewater companies. Additionally, Aqua continues to work with its advisory group, the Helping Hand Collaborative, to develop its CEOP, which is filed annually. Through the



annual reporting mechanism of the survey and the CEOP, oversight of Aqua's program is sufficient. Aqua supports the development of a new policy statement, specific to water and wastewater utilities, using a collaborative approach among all stakeholders, similar to the process used to develop the CAP Policy Statement in place for energy utilities.

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?

Aqua has no comment.

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

Aqua has no comment.

#### IV. CONCLUSION

Aqua appreciates the opportunity to comment on universal service programs and asks that the Commission consider its comments. Aqua looks forward to continuing to work with the Commission on these issues.

Respectfully Submitted,

*Mary McFall Hopper*

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