

PENNSYLVANIA BULLETIN

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Wednesday, August 7, 2024	Room 202—Agriculture Building 2301 North Cameron Street Harrisburg, PA	1 p.m.
Wednesday, September 4, 2024	Room 309—Agriculture Building 2301 North Cameron Street Harrisburg, PA	1 p.m.
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Wednesday, November 6, 2024	Room 202—Agriculture Building 2301 North Cameron Street Harrisburg, PA	1 p.m.
Wednesday, December 4, 2024	Room 202—Agriculture Building 2301 North Cameron Street Harrisburg, PA	1 p.m.
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Wednesday, June 4, 2025	Room 309—Agriculture Building 2301 North Cameron Street Harrisburg, PA	1 p.m.

BETSY ALBRIGHT,
Secretary

[Pa.B. Doc. No. 24-923. Filed for public inspection June 28, 2024, 9:00 a.m.]

**PENNSYLVANIA PUBLIC
UTILITY COMMISSION**

**2023 Review of All Jurisdictional Fixed Utilities'
Universal Service Programs**

Public Meeting held
June 13, 2024

Commissioners Present: Stephen M. DeFrank, Chairperson, joint statement; Kimberly Barrow, Vice Chairperson; Ralph V. Yanora; Kathryn L. Zerfuss, joint statement; John F. Coleman, Jr.

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

Order

By the Commission

The Department of Human Services (DHS) oversees the Federal Low Income Home Energy Assistance Program (LIHEAP) in Pennsylvania. DHS has indicated its inten-

tion to begin sharing LIHEAP income and household information with energy public utilities if the household grants consent on its LIHEAP application beginning with the 2024-2025 LIHEAP season. LIHEAP data sharing has been designed to allow low-income consumers to enroll or recertify in energy public utility universal service programs without having to submit a new application or proof of income-eligibility to the energy public utility. Approved and proposed enrollment and recertification requirements for universal service programs do not currently address data sharing. By this Order, the Pennsylvania Public Utility Commission (PUC) establishes terms and conditions under which energy public utilities may document their election to participate in DHS' LIHEAP data sharing under a temporary and partial waiver of provisions of their approved universal service and energy conservation plans (USECPs).

I. Background

The planned LIHEAP data sharing is the culmination of a years-long detailed planning process involving

DHS, the energy public utilities, low-income advocates, the PUC, and other stakeholders who participate in DHS' LIHEAP Advisory Committee (LAC). Data sharing is expected to go live in conjunction with the 2024-2025 LIHEAP season, starting in Fall 2024.

While participation in DHS' LIHEAP data sharing is optional, the PUC encourages all energy public utilities to do so. The benefits of LIHEAP data sharing include:

- Enrollment of a LIHEAP household in an energy public utility's universal service programs, including customer assistance programs (CAPs), low income usage reduction programs (LIURPs), and hardship fund programs, without the need for submitting separate applications for each program and duplicative forms of documentation.

- Recertification of a LIHEAP household in an energy public utility's CAP without the need for submitting duplicative forms of documentation.

DHS has created a LIHEAP Data Sharing Agreement explaining the responsibilities of DHS and the energy public utilities that participate in LIHEAP data sharing. The PUC is not a signatory to the LIHEAP Data Sharing Agreement, but the PUC did participate in the development of the language in the agreement.

On August 22, 2023, the PUC issued a Secretarial Letter establishing a universal service working group (USWG) at Docket No. M-2023-3038944 to address issues related to, *inter alia*, streamlining the eligibility and enrollment process for universal service programs and reducing the number of eligible low-income customers who lose program benefits due to the verification or re-enrollment process. The USWG included a LIHEAP Data Sharing Subgroup which identified ways in which the PUC can help energy public utilities maximize the use of DHS' LIHEAP data sharing to facilitate and maintain universal service program enrollments. The PUC has reviewed the recommendations of the LIHEAP Data Sharing Subgroup and provides the following terms and conditions under which energy public utilities may document their election to participate in DHS' LIHEAP Data Sharing.¹

II. Discussion

If an energy public utility chooses to participate in DHS' LIHEAP data sharing, the energy public utility shall file and serve a letter at its current and pending USECP dockets no later than July 31, 2024, indicating it is participating in DHS data sharing and include clarification that the energy public utility will:

- Use the LIHEAP data to conduct individualized universal service outreach as soon as possible (ideally monthly) after receiving the household's data from DHS.

- Use a simplified/streamlined process for households to enroll in universal service programs and recertify in CAP if the income and household data was received by DHS in the prior 12 months and/or the current or prior LIHEAP program year, without requiring additional applications or documentation.

- Discuss its plans for individualized outreach and simplified/streamlined enrollment with its respective Universal Service Advisory Group/Committee.

- Send a communication to each auto-recertified CAP participant based on LIHEAP data with their updated

CAP bill amount (if applicable) and instructions on how to contact the energy public utility to provide additional updates on household income/size if the household information has changed since completing the LIHEAP application.

- Provide educational materials to inform customers about the purpose and effect of the checkbox on the 2024-2025 LIHEAP application which will grant permission for DHS to share this information with energy public utilities.² Include a timeline for when the materials will be provided to customers.

The letter must also identify the provisions in the energy public utility's current and proposed USECP that need to be waived or added to incorporate the data sharing conditions described above.

Additionally, if an energy public utility chooses to participate in LIHEAP data sharing with DHS, the energy public utility shall include the following in its next proposed USECP:

- A description of its participation and compliance—or reasons for non-compliance—with the above activities.

- A summary of the impacts of LIHEAP data sharing on enrollments for all universal service programs and recertifications in CAP.

- Provisions to incorporate future data sharing from LIHEAP or other programs/agencies.

IV. Conclusion

We have duly considered the advantages of an energy public utility using LIHEAP data regarding household income and size to facilitate household participation in the energy public utility's universal service programs. We applaud the efforts that went into reaching this point where DHS and the energy public utilities anticipate having access to the data-sharing program this upcoming LIHEAP season.

Under the totality of the circumstances, the Commission, pursuant to its authority under 66 Pa.C.S. § 501(a), hereby establishes terms and conditions under which energy public utilities may document their election to participate in the DHS' data sharing under temporary and partial waiver of provisions of their approved or pending USECPs in order to implement the actions described in this Order. Following the directives herein would relieve an energy public utility from the obligation to file and serve a petition to amend its existing USECP to make changes in its approved USECP resulting from data sharing. It is expressly noted that the establishment of terms and conditions for these waivers of provisions of their USECPs neither enlarges nor limits, in any way, an energy public utility's obligations or a customer's benefits pursuant either to statute or regulation or existing USECP; *Therefore*,

It Is Ordered That:

1. The terms and conditions under which an energy public utility may document its participation in the Department of Human Services LIHEAP data-sharing under a temporary and partial waiver of the provisions of its presently approved universal service program are hereby established, consistent with this Order.

¹ Recommendations of the LIHEAP Data Sharing Subgroup not reflected as part of these terms and conditions, such as auto-enrolling customers into CAPs, are still under consideration by the PUC.

² The PUC encourages use of the educational template developed by the USWG Data Sharing Subgroup which is attached as Appendix A. The template includes language that could be used for bill inserts, on-bill messaging, communications with CAP and County Assistance Office administrators, and the utility's website.

2. All other provisions of an energy public utility's universal service and energy conservation plan remain in full force and effect.

3. An energy public utility choosing to participate in the LIHEAP data sharing shall file and serve a letter, consistent with this Order, at its current and pending universal service and energy conservation plan docket(s).

4. An energy public utility choosing to participate in the LIHEAP data sharing shall include information and clarifications related to the data sharing in its next proposed USECP, consistent with this Order.

5. The Commission's Bureau of Consumer Services, with the assistance of the Commission's Law Bureau, will evaluate the letters filed and served by participating public utilities and will render a staff opinion in a Secretarial Letter confirming whether a filing complies with this Order.

6. Each energy public utility that elects to participate in DHS' Data-Sharing shall incorporate the details and results of its participation and its plans for future participation in its next proposed USECP, consistent with this Order.

7. The contact persons for this order are Norma Bowman, Bureau of Consumer Services, nobowman@pa.gov, 717-705-0621, and Louise Fink Smith, Esq., Law Bureau, finksmith@pa.gov.

8. This Order be served on all jurisdictional electric and natural gas distribution companies and parties to Docket No. M-2023-3038944.

9. The Commission's Office of the Secretary shall deliver this Order to the Legislative Reference Bureau to be published in the *Pennsylvania Bulletin*.

ROSEMARY CHIAVETTA,
Secretary

ORDER ADOPTED: June 13, 2024

ORDER ENTERED: June 13, 2024

Appendix A: Proposed Language for Educational Material

LIHEAP applicants/recipients now have the option to share certain LIHEAP application information directly with public utilities to help you enroll in your utility's low-income programs. Your household may be eligible for a discount on your energy bill and/or additional benefits, including past debt forgiveness, through a public utility's low-income assistance program.

How to use the checkbox:

When filling out your LIHEAP application, you'll come across a checkbox with the following statement:

— I allow DHS to share my income and household information with my utilities to help enroll me in a utility assistance program. I understand that my utility may need to contact me for additional information before I am enrolled in a utility assistance program.

You have the choice to either check the box or leave the box unchecked. It's entirely up to you.

Why would you want to share your data with public utilities?

Sharing your LIHEAP data with public utilities can help qualify you for additional discounts through the low-income assistance programs offered by public utilities. The purpose of this program is to help you get enrolled in your utility's low-income assistance program faster and

easier. It also helps ensure that you do not need to provide the same information multiple times.

Sharing your data may also help speed up the application process because you may not have to provide the same household income information again to enroll in the public utility program.

Allowing LIHEAP to share this data directly with your public utility could help you get enrolled in public utility assistance programs that can save you a significant amount of money.

What information is being shared?

The information that is being shared with public utilities includes:

- Name of utility account holder and all household members
- Service address
- Phone number
- Email address
- Income (amount and source) for all household members
- Age/Date of Birth for all household members

How will my data be used?

Public utilities will use your data to make it easier to verify your income and household information so you can enroll in their low-income programs, such as a customer assistance program, a utility-run weatherization program, or a hardship fund. They may also use your data to contact you about these programs.

Is my data safe?

Yes, your privacy matters. LIHEAP and public utilities are required to protect the confidentiality of your data. Your data will only be used for the specific purposes of outreach and/or determining eligibility for low-income programs provided by your public utility and will not be sold to third parties or used for any other purpose.

Can I opt out of data sharing?

Yes. You can opt out of data sharing by leaving the checkbox unchecked on the LIHEAP application. If you opt out of data sharing, it will not impact your LIHEAP application in any way. However, it may take longer to apply or recertify for other types of public utility assistance, such as your utility's customer assistance program.

If you have any questions about LIHEAP data sharing, you can contact your local county assistance office, public utility, or the Pennsylvania Office of Consumer Advocate.

Additional information:

You have the right to access and correct your data.

You can withdraw your consent to data share at any time.

Joint Statement of Chairperson Stephen M. DeFrank and Commissioner Kathryn L. Zerfuss

Today the Commission issues an Order that, in part, affirms its support of the intention of the Department of Human Services (OHS) to begin sharing income and household information for the Low-Income Home Energy Assistance Program (LIHEAP) with electric and natural gas utilities (energy utilities) if the household consents. This data sharing would begin with the 2024-2025 LIHEAP season. While participation in DHS's data sharing is optional, the Commission encourages all eligible energy utilities to participate.

This Order addressing OHS's data sharing is the first step resulting from the Commission's formation of the Universal Service Working Group in September of 2023. LIHEAP data sharing promotes program efficiencies and eliminates paperwork redundancies by allowing customers, who are eligible for LIHEAP, to enroll or recertify in energy utilities' universal service programs without submitting new applications. This includes enrollment or recertification in an energy utility's customer assistance program, low-income usage reduction program, and hardship fund program without the household being required to submit separate applications and duplicative forms of documentation for each program. These improvements will result in cost savings and reduce 'red tape' bureaucracy to the benefit of customers and energy utilities alike.

In addition to discussing DHS's data sharing, the working group productively collaborated on other topics which address ways to increase coordination of low-income customer assistance programs amongst utilities, streamline the eligibility and enrollment process, and reduce the number of eligible customers from losing benefits. The efforts of this working group will help the Commission achieve its statutory obligations to continue the protections, policies and services that assist customers' ability to afford electric and natural gas service.³

Thank you to our Commission staff, OHS, the utilities, the advocates, and other stakeholders who have worked diligently to help us get to this point. We look forward to more good things coming out of the Universal Service Working Group.

Again, in closing, we encourage all energy utilities to participate in OHS's data sharing and take the necessary steps outlined in our action today.

Date: June 13, 2024

STEPHEN M. DeFRANK,
Chairperson
KATHRYN L. ZERFUSS,
Commissioner

[Pa.B. Doc. No. 24-924. Filed for public inspection June 28, 2024, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Certificate of Public Convenience

A-2024-3049587 and A-2024-3049591. Deer Haven, LLC and PL Utilities, LLC. In the matter of the joint application of Deer Haven, LLC and PL Utilities, LLC for: (1) a certificate of public convenience authorizing commencement of sanitary sewer service of PL Utilities, LLC in Portions of Palmyra Township, Pike County; (2) a certificate of public convenience for Deer Haven, LLC authorizing abandonment of sanitary sewer service; (3) approval of the proposed tariff of PLU Utilities, LLC; and (4) approval of certain affiliated interest agreements of PLU Utilities, LLC.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before July 15, 2024. Filings must be made with the Secretary of the Pennsylvania Public Utility

³ 66 Pa.C.S. § 2802(10); 66 Pa.C.S. § 2203(7).

Commission, 400 North Street, 2nd Floor, Harrisburg, PA 17120, or on the Pennsylvania Public Utility Commission's (Commission) web site at www.puc.pa.gov, with a copy served on the applicant. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Commission's web site at www.puc.pa.gov and at the applicant's business address. If a filing contains confidential or proprietary material, the filing is required to be submitted by overnight delivery. Large filings containing confidential or proprietary material may be submitted through the Commission's Share Point File system with advanced notice to the Commission prior to submittal.

Applicants: Deer Haven, LLC, Attn: Sam Shahar, 839 Route 507, Greentown, PA 18426, samshahar@yahoo.com; PL Utilities, LLC, Attn: Jacob Goren, 61 West 62nd Street, # 22E, New York, NY 10023

Through and By Counsel for: Adeolu A. Bakare, Esquire, McNees Wallace & Nurick, LLC, 100 Pine Street, Harrisburg, PA 17101, (717) 237-5290, fax (717) 260-1744, abakare@mcneeslaw.com; Mark J. Shaw, Esquire, MacDonald, Illig, Jones & Britton, LLP, 100 State Street, Suite 700, Erie, PA 16507-1459, (814) 870-7607, fax (814) 454-4647, mshaw@mijb.com

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 24-925. Filed for public inspection June 28, 2024, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Electric Generation Supplier License Cancellation of Companies with an Expired Financial Security, Insufficient Financial Security Amount or Language

Public Meeting held
June 13, 2024

Commissioners Present: Stephen M. DeFrank, Chairperson; Kimberly Barrow, Vice Chairperson; Ralph V. Yanora; Kathryn L. Zerfuss; John F. Coleman, Jr.

*Electric Generation Supplier License Cancellation of
Companies with an Expired Financial Security,
Insufficient Financial Security Amount or Language;
M-2024-3045251*

Tentative Order

By the Commission:

The Commission's regulations at 52 Pa. Code § 54.40(a) state that an Electric Generation Supplier (EGS) license will not be issued or remain in force until the licensee furnishes a bond or other security approved by the Commission. In addition, 52 Pa. Code § 54.40(d) states that the maintenance of an EGS license is contingent on the licensee providing proof to the Commission that a bond or other approved security in the amount directed by the Commission has been obtained.

Each EGS must file an original bond, letter of credit, continuation certificate, amendment, or other approved financial instrument with Rosemary Chiavetta, Secretary, Pennsylvania Public Utility Commission, 400 North