



**September 9, 2024**

To: All Parties of Record at Docket Nos. M-2021-3024935 and M-2023-3038944

**RE: National Fuel Gas – Notification of Participation in LIHEAP Data Sharing**

*Overview*

On June 13, 2024, the Pennsylvania Public Utility Commission (Commission) entered an Order (June 2024 Order) in *2023 Review of All Jurisdictional Fixed Utilities' Universal Service Programs*, Docket No. M-2023-3038944, (*2023 Review of Universal Service Programs*), establishing terms and conditions under which an energy public utility may document its election to participate in the Department of Human Services' (DHS) Low Income Home Energy Assistance Program (LIHEAP) data sharing.<sup>1</sup> The terms and conditions articulated in the June 2024 Order included a temporary and partial waiver of limited provisions in approved universal service and energy conservation plans (USECPs) for energy public utilities to facilitate their use of LIHEAP household data shared with them by DHS. The PUC encouraged but did not require an energy public utility to participate in the DHS LIHEAP data sharing. The PUC required energy public utilities to file and serve a letter at its USECP docket(s) indicating its plans and timelines if it chose to participate in the DHS LIHEAP data sharing. June 2024 Order at 2, OP #3.

On July 30, 2024, National Fuel Gas Distribution Corporation (NFG) filed a letter (NFG Letter) at its 2022-2026 USECP (2022 USECP) docket, Docket No. M-2021-3024935, confirming that it will participate in DHS' LIHEAP data sharing and identifying its planned compliance with the terms and conditions in the June 2024 Order, as summarized below:

*Use the LIHEAP data to conduct individualized universal service outreach as soon as possible (ideally monthly) after receiving the household's data from DHS. June 2024 Order at 3.*

**Response:** NFG reports that it will conduct individualized outreach after receiving household data from DHS via phone calls, letters, e-mails, etc. The specific timing of the outreach will depend on the number of households whose information is forwarded by DHS. NFG Letter at 2.

*Use a simplified/streamlined process for households to enroll in universal service programs and recertify in the Customer Assistance Program (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. June 2024 Order at 3.*

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<sup>1</sup> The Commission established these terms and conditions based on its review of the recommendations of the Universal Service Working Group (USWG). See [USWG Final Report](#), Docket No. M-2023-3038944, at 73-83.

**Response:** Upon receipt of LIHEAP household data and customer consent, NFG reports that it will enroll customers into CAP without requiring them to provide income verification but will require those customers to provide additional information and verification as specified in its USECP. NFG states that LIHEAP household data received for existing CAP customers will be used for recertification without requiring the household to provide additional information or documentation. NFG reports that it is currently exploring the use of LIHEAP household data to enroll customers into its Low Income Usage Reduction Program (LIURP) and Hardship Fund program<sup>2</sup> and that it will file an update at its USECP docket on the feasibility of those plans. NFG Letter at 2-3.

*Discuss its plans for individualized outreach and simplified/streamlined enrollment with its respective Universal Service Advisory Group/Committee (USAG or USAC). June 2024 Order at 3.*

**Response:** NFG confirms that it will consult with its USAC in October 2024 on its plans to use LIHEAP household data to enroll and recertify customers for CAP.

*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. June 2024 Order at 3-4.*

**Response:** NFG reports that it will notify CAP customers recertified with LIHEAP household data to review their next bill for their current CAP billing amount. NFG states that these customers will have the opportunity to update their income information if different from what was reported on the LIHEAP application. NFG Letter at 3-4.

*Provide educational materials<sup>3</sup> 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. Include a timeline for when the materials will be provided to customers. June 2024 Order at 4.*

**Response:** NFG reports that by September 1, 2024, it will provide educational materials to customers on its website about the purpose, effect, and importance of the checkbox on the 2024-2025 LIHEAP application. NFG states that it will use some of the educational language proposed by the USWG as reflected in Appendix A of the June 2024 Order. NFG Letter at 4.

*Identify any provisions in the energy public utility's current and proposed USECP that need to be waived or added to incorporate the data sharing conditions. June 2024 Order at 4.*

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<sup>2</sup> NFG's Hardship Fund is called the Neighbor for Neighbor program.

<sup>3</sup> The educational language template was designed by the USWG. See USWG Final Report at 84 85.

**Response:** NFG proposes to add language to its USECP which clarifies (1) that customers enrolling or recertifying for CAP will not need to provide income information if NFG received that information through the DHS LIHEAP data sharing; and (2) that NFG reserves the right to request income information from these customers if the information provided from DHS appears to be erroneous, incomplete, or inaccurate, based on NFG’s records. NFG Letter at 4-5.

### *Discussion*

To date, no protests or other responsive pleadings have been filed relative to the NFG Letter. The PUC directed staff in the Bureau of Consumer Services and the Law Bureau to review the letters filed in response to the June 2024 Order. Having reviewed the NFG Letter, staff find that NFG’s responses and proposed USECP amendments are generally consistent with the June 2024 Letter, with the following exceptions.

First, NFG reports that it will still require customers whose household data has been shared by DHS to provide additional information and verification to enroll in CAP, based on the requirements of its USECP. NFG states that it is currently reviewing the feasibility of creating a more simplified/streamlined process for customers to enroll in CAP using DHS’ LIHEAP household data. NFG Letter at 2. NFG is encouraged to develop this process with input from its USAC and have it in place before the 2025-2026 LIHEAP season (*e.g.*, by September 1, 2025).

Second, it is not clear whether NFG proposes to accept all household income data provided by DHS or only income data within the timeframe established in the June 2024 Order. Income data used by DHS to approve LIHEAP applications can exceed this timeframe.<sup>4</sup> The PUC reminds NFG that the temporary and partial waiver of household income timeframes granted through the June 2024 Order only extends to income received by DHS in the prior 12 months and/or the current or prior LIHEAP program year.

Additionally, although there are no compliance issues with NFG’s planned educational outreach related to the June 2024 Order, NFG is encouraged to do more to make its customers aware of the purpose and effect of the information-sharing checkbox on the 2024-2025 LIHEAP application. NFG’s proposal to post information about the checkbox on its website is a good start. NFG is also encouraged to provide this education through its other mediums, such as bill inserts, on-bill messaging, outreach events, and communications with CAP and county assistance office agencies.

### *Conclusion*

PUC staff finds NFG to be substantially compliant with the June 2024 Order, with the exceptions noted above. NFG is encouraged to discuss its proposed USECP changes with its USAC prior to

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<sup>4</sup> For example, DHS will use known income from current Medicaid recipients, which may have been verified over two years ago, to qualify a household for LIHEAP.

filing a Petition to amend its 2022 USECP. No further action by NFG in regard to the terms and conditions established by the June 2024 Order is required at this time.

The determinations in this Secretarial Letter have been made by PUC staff under authority delegated by the Commission. Parties have the right to seek reconsideration of this staff action. Parties may seek reconsideration of these directives by petitioning 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 BCS Energy Policy Manager Joseph Magee at [jmagee@pa.gov](mailto:jmagee@pa.gov).

Sincerely,



Rosemary Chiavetta  
Secretary

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