



September 9, 2024

To: All Parties of Record at Docket Nos. M-2022-3036532, M-2022-3036533, M-2022-3036534, M-2022-3036535, and M-2023-3038944

RE: FirstEnergy Pennsylvania Electric Company – 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.¹ 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 31, 2024, FirstEnergy Pennsylvania Electric Company (FE PA) filed a letter (FE PA Letter) at its 2024-2028 USECP (2024 USECP) dockets, Docket Nos. M-2022-3036532, *et al.*,² 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: FE PA reports that it will use the LIHEAP household data to conduct individualized universal service outreach to LIHEAP recipients not participating in its customer assistance program (CAP)³ by triggering an automatic letter to encourage enrollment and explain ways to apply for the program. FE PA Letter at 2.

¹ 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.

² FirstEnergy PA Joint Proposed Universal Service and Energy Conservation Plan for 2024-2028, Docket Nos. M-2022-3036532, M-2022-3036533, M-2022-3036534, M-2022-3036535.

³ FE PA's CAP is called the Pennsylvania Customer Assistance Program (PCAP).

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. June 2024 Order at 3.

Response: FE PA reports that it will waive income verification requirements for customers enrolled or recertified for CAP if it received their LIHEAP household data from DHS. A letter will be mailed to these customers to advise them that their LIHEAP data was used to complete the application or to recertify them for CAP. The letter will also provide instructions on how to provide updates on household income and size if the household information has changed since completing the LIHEAP application. FE PA states that it will also instruct its CAP administrator to accept LIHEAP household data if received by DHS in the current or prior LIHEAP season. FE PA Letter at 2-4.

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: FE PA did not address how FE PA will discuss its plans for CAP enrollments using the DHS LIHEAP data sharing with its USAG/USAC.

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: As noted above, FE PA reports that a letter will be mailed to the customer to advise that LIHEAP data was used to complete the application or recertify CAP eligibility. The letter will also provide instructions on how to provide updates if the household information has changed since completing the LIHEAP application. FE PA Letter at 2.

Provide educational materials^[4] 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: Beginning in September 2024, FE PA reports that it will provide educational materials to inform customers about the purpose and effect of the consent checkbox on the LIHEAP application which will grant DHS permission to share the data with FE PA.

⁴ The educational language template was designed by the USWG. See USWG Final Report at 84 85.

FE PA is modifying numerous outreach materials to include this information, including its CAP enrollment letters, recertification letters, and brochures. FE PA Letter at 2-3.

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.

Response: FE PA proposes to make the following modifications to its 2024 USECP:

- Waive the provision granting the extension of CAP recertification timeframes for households who receive LIHEAP. 2024 USECP at 15-16. FE PA maintains that these provisions will be discontinued as LIHEAP recipients will now be auto-recertified using household data received from DHS.
- Waive the provision accepting verbal declaration of income at enrollment for customers who have received LIHEAP. 2024 USECP at 11. FE PA reports that this provision will still apply if DHS has not shared household income for the household.
- Add language to sections describing its CAP application and recertification processes to indicate that it may be completed using LIHEAP household data received from DHS. 2024 USECP at 11, 15.
- Add language to its Consumer Education, Outreach and Referral section to explain that a customer can receive confirmation letters for CAP auto-recertifying or for receipt of LIHEAP data sharing (if needed) to explain how the household can apply for CAP without providing income information. 2024 USECP at 18.

FE PA Letter at 3-4.

Discussion

To date, no protests or other responsive pleadings have been filed relative to the FE PA 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 FE PA Letter, staff find that FE PA's responses and proposed USECP amendments are generally consistent with the June 2024 Letter, with the following exceptions.

First, FE PA does not address how or whether it will use the LIHEAP household data to enroll customers in non-CAP universal service programs (*e.g.*, Low Income Usage Reduction Program (LIURP), Hardship Fund⁵). FE PA is encouraged to use the LIHEAP household data to determine a household's eligibility for all of its universal service programs, not just CAP.

⁵ NFG's Hardship Fund is called the Neighbor for Neighbor program.

Second, FE PA does not mention coordination with its USAC/USAG. FE PA is encouraged to work with their USAC/USAG to find ways to facilitate the use of LIHEAP household data through individualized outreach and simplified enrollment to the fullest extent possible.

Third, FE PA does not indicate if the CAP auto-recertification letter will identify the customer's updated monthly bill amount, as recommended in the June 2024 Order. FE PA should inform customers as part of this auto-recertification notification if or how the monthly CAP bill payment will change based on their LIHEAP household data.

Finally, FE PA's proposal to eliminate the 2024 USECP provision that extends the recertification timeframe for CAP customers who receive a LIHEAP grant does not appear to take into consideration CAP customers who may issue LIHEAP grants to FE PA without agreeing to share their household data. FE PA should maintain this policy to allow these customers to extend their next recertification date, up to three years.

Conclusion

PUC staff finds FE PA to be substantially compliant with the June 2024 Order. FE PA is encouraged to discuss its proposed USECP changes with its USAC prior to filing a Petition to amend its 2024 USECP. No further action by FE PA 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.

Sincerely,



Rosemary Chiavetta
Secretary

cc: Stephen M DeFrank, Chairman
Kimberly Barrow, Vice Chair
Ralph V. Yanora, Commissioner
Kathryn L. Zerfuss, Commissioner
John F. Coleman, Commissioner
Joseph Magee, BCS, jmagee@pa.gov
Louise Fink Smith, Law Bureau, finksmith@pa.gov
Stephanie Wilson, Law Bureau, stepwilson@pa.gov