

Responding to Utility Insecurity

May 22, 2023

**Community Action Association of Pennsylvania
New Director/CEO Training**

Elizabeth Marx, Executive Director
Pennsylvania Utility Law Project
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Pennsylvania Utility Law Project

PULP is a statewide legal services project of Regional Housing Legal Services and is a member of the Pennsylvania Legal Aid Network.

PULP's mission is to secure just and equitable access to safe and affordable utility services for Pennsylvanians experiencing poverty.

We work to achieve our mission by empowering individuals and communities through:

- Legal Representation, Groups and Individuals
- Education and Training
- Policy Advocacy
- Supportive Services
- Consultation



Pennsylvania Legal Aid Network

Pennsylvania's official statewide network of independent civil legal aid programs that provide free legal assistance to low-income individuals and families.



Local Legal Services Programs

Regional Legal Aid Programs Serve All 67 Counties:

- Neighborhood Legal Services
- Southwest Legal Services
- Laurel Legal Services
- Northwest Legal Services
- MidPenn Legal Services
- North Penn Legal Services
- Community Legal Services
- Philadelphia Legal Assistance
- Legal Aid of Southeast Pennsylvania

www.palegalaid.net

Local Legal Services Programs

Areas of Practice:

- Custody
- Eviction
- Landlord / Tenant Disputes
- Foreclosure / Homeownership
- Employment
- Public Benefits
- Consumer Rights / Credit
- Bankruptcy
- Fair Housing
- Social Security / Disability

Eligibility for services varies by program and project - most often 125% FPL.

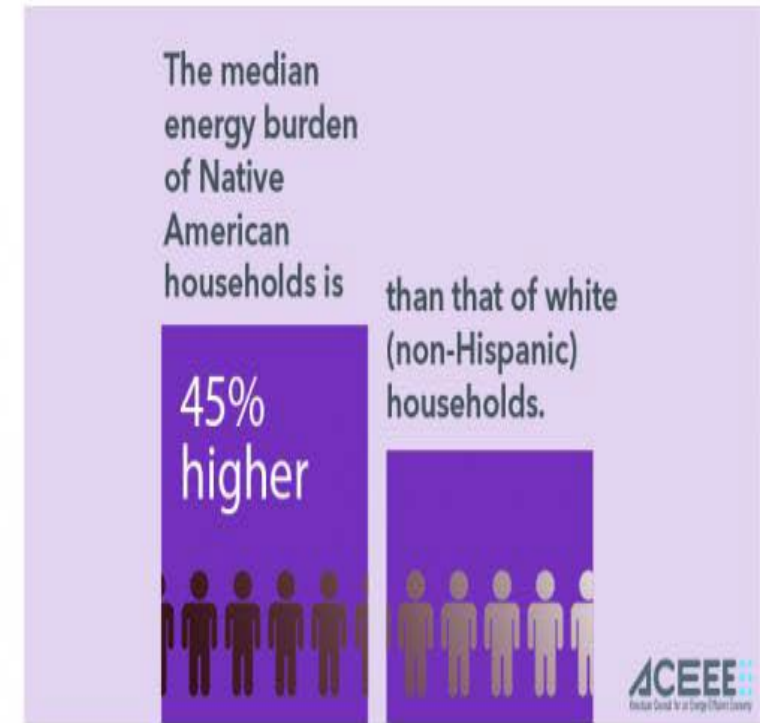
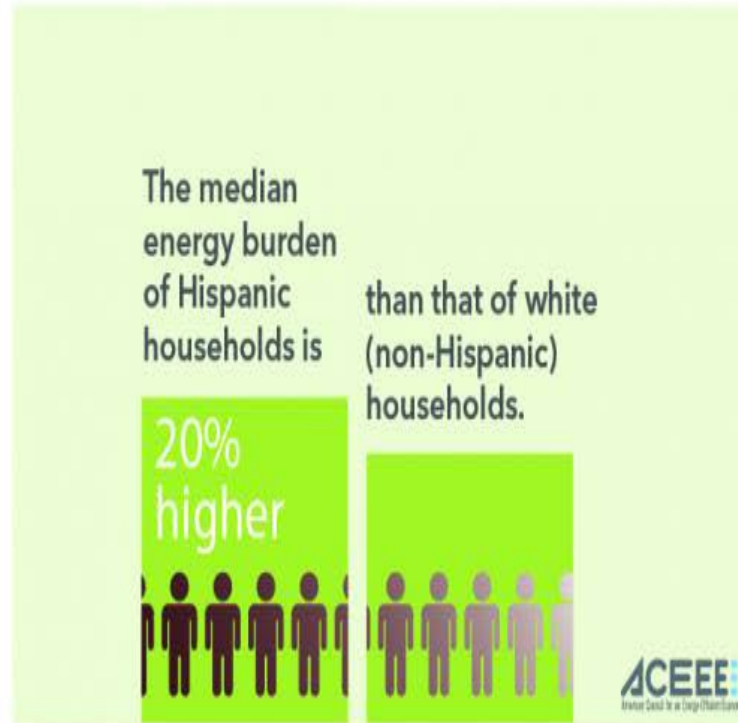
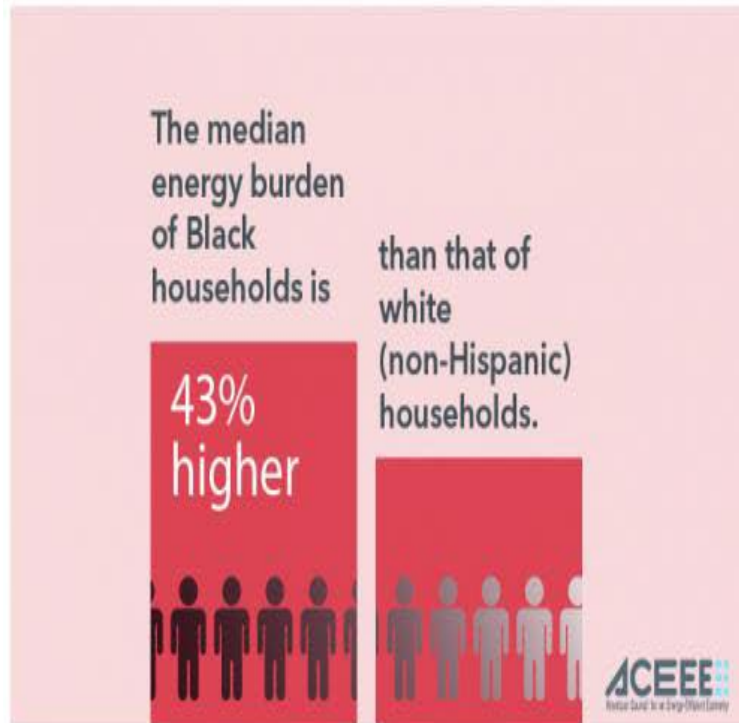
www.palegalaid.net

Specialty Legal Services Programs

- **Pennsylvania Utility Law Project**
 - www.pautilitylawproject.org
 - Utility Access and Affordability
- **Pennsylvania Health Law Project**
 - www.phlp.org
 - Medicaid / Medical Assistance
 - Managed and Long Term Care
 - **Statewide Helpline: 800-274-3258**
- **Community Justice Project**
 - <https://www.communityjusticeproject.org/>
 - Class Action / Impact Litigation
 - Housing, Public Benefits, Employment, and Immigration
- **Justice at Work**
 - www.justiceatworklegalaid.org
 - Wage Theft, Labor Trafficking, Work Discrimination, Immigration, Housing
- **Pennsylvania Institutional Law Project**
 - www.pailp.org
 - Rights of Incarcerated Individuals / Families
- **Regional Housing Legal Services**
 - www.rhls.org
 - Affordable Housing Development / Advocacy

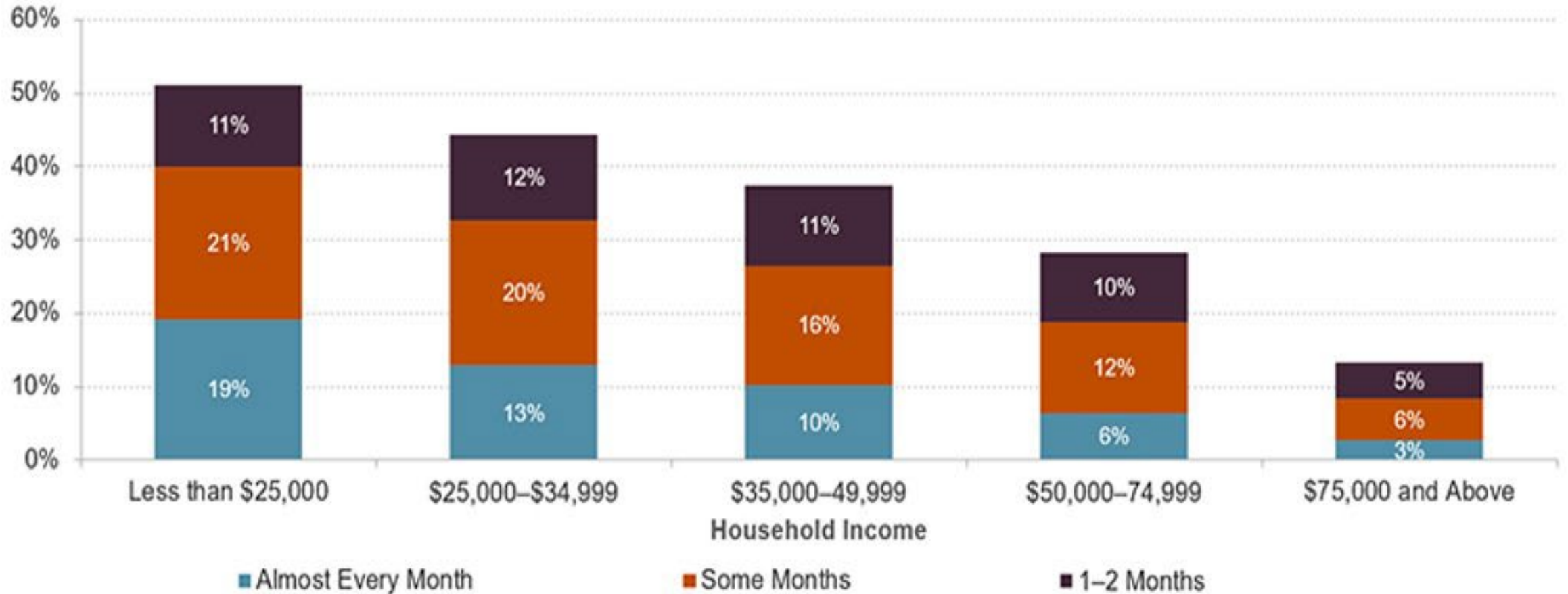
Energy Burden

- Low income households regularly pay as much as **30%** of income on home energy costs, **compared to 2-4% for higher income families.**
- Black, Hispanic, and Native American households have significantly higher energy burdens – **between 20-45% higher** – compared to white households.



Energy Burden

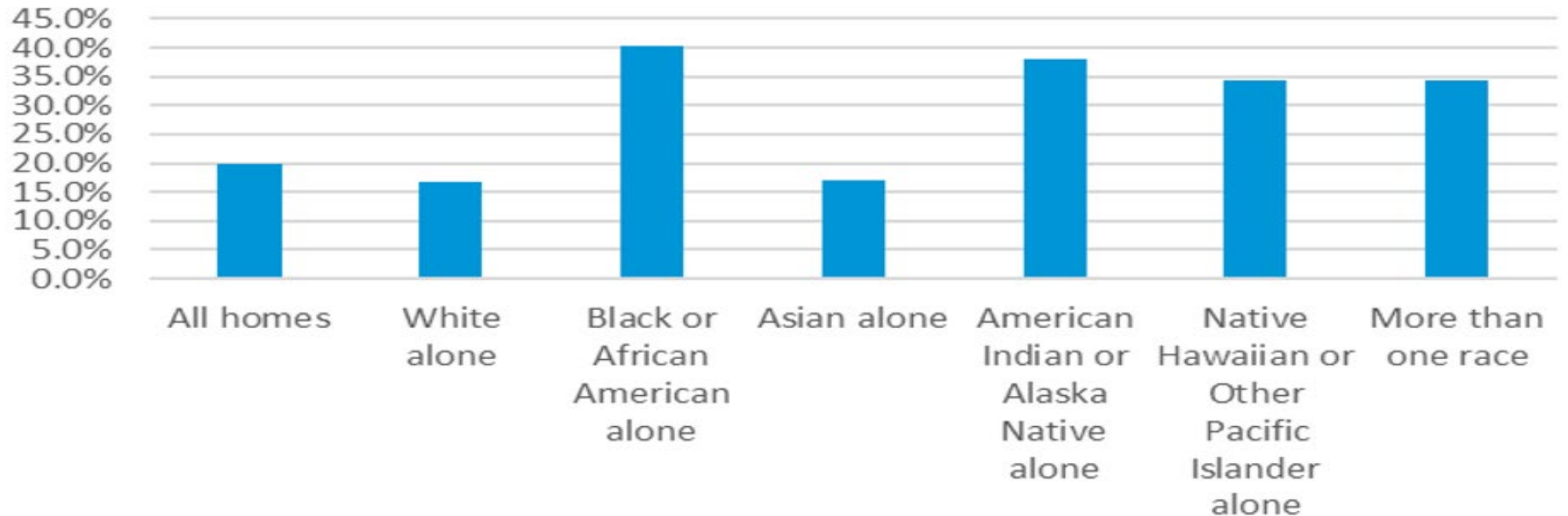
Share of Households Who Reduced Expenses on Necessities to Pay Energy Bill



US Census, Household Pulse Survey (2022)

Energy Burden

Reducing or forgoing food or medicine to pay energy costs - Race of Householder



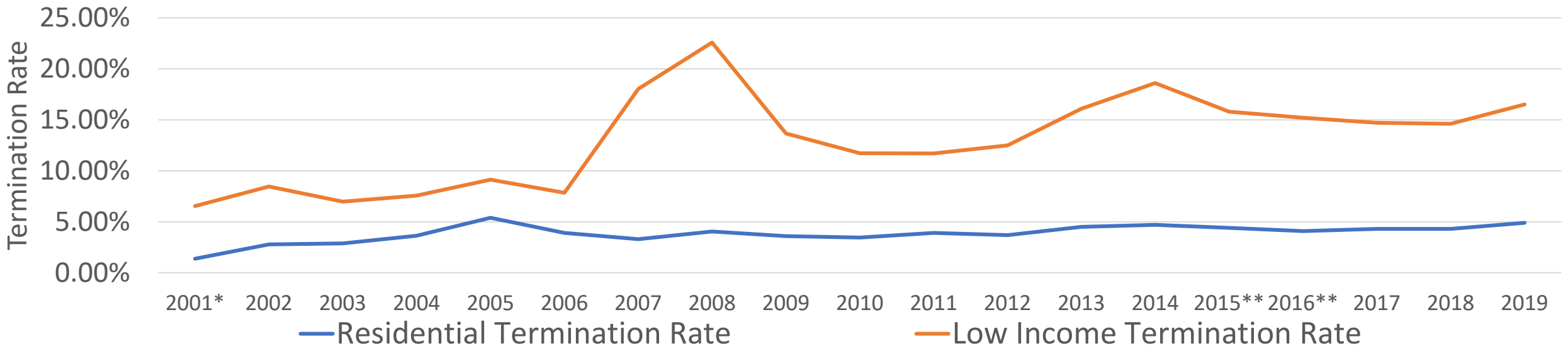
US Dep't of Energy, Residential Energy Consumption Survey (2020)

Utility Insecurity in Pennsylvania

Over 320,000 Pennsylvania households had their gas, electric, or water shut off in 2022 due to non-payment.

At least 10,108 Pennsylvania households were **without heat service** as of February 1, 2023

Electric Termination Rates (2001-2019)



Consequences of Utility Insecurity

- Exacerbates negative health outcomes
- Exposure to unhealthy/unsafe temperatures
- Inability to properly sanitize
- Interrupts family unity (CYS/custody disputes)
- Hinders child learning and development
- Severs critical communication with work/school
- Long-term impact on consumer credit
- Liens (municipal utilities) encumber property
- Destabilizes Housing
 - Catalyst for eviction, foreclosure, and homelessness
 - Results in condemnation
 - Difficulty relocating
 - Ineligibility for public and private housing

Utility moratoria nationwide reduced COVID-19 infection rates by 4.4% and reduced mortality rates by 7.4%.

Regulated vs. “Unregulated” Utilities

PUC-Regulated Utilities

- Large electric, natural gas, and water companies
- Subject to jurisdiction of the Public Utility Commission
- Consumer complaints filed with PUC
- Must follow rules/regulations for billing, collections, and terminations – including the availability of payment arrangements.
- Must offer universal service programs

Publicly Owned (Unregulated) Utilities

- Municipal utilities & Electric Co-Op (except PGW & PWSA)
- Consumer complaints filed with Court of Common Pleas
- Must follow Water Services Act, Utility Services Tenants Rights Act, and other broad consumer laws
- No standard billing, collection, and termination standards
- No requirement to offer universal service programs or payment arrangements

Utility-Run Assistance Programs

- **Customer Assistance Programs (CAP)**
 - Reduced Monthly Bill Based on Ability to Pay (Income)
 - Frozen Debts
 - Debt Forgiveness Over Time (usually 36 months)
- **Hardship Fund**
 - Grants to pay bills
- **Low Income Usage Reduction Program (LIURP)**
 - Weatherization and Energy Efficiency
 - Targeted at Highest Usage Households
- **Customer Assistance Referral & Evaluation Services (CARES)**
 - Case management and referral to other social service supports

Utility-Run Assistance Programs

- **Universal Service & Energy Conservation Plans**
 - Reviewed on 5-year Cycle
 - Current USECPs Under Review:
 - FirstEnergy Companies
 - Columbia Gas of Pennsylvania
- **Universal Service Advisory Committees**
 - Meet annually, biannually, or quarterly
 - Several CAP agencies are active members
 - Opportunity to raise concerns and offer recommendations
 - Utilities may be required to vet policies through their Advisory Committee

Federal Energy Assistance Programs

- **Low Income Home Energy Assistance Program (LIHEAP)**

- **Benefit Levels for 2022/2023 Program Year:**

- **Grant Assistance:**

- Cash (\$300-\$1000)

- Crisis (Up to \$2,000 to resolve imminent home heating emergency)

- Emergency Furnace Repair/Replacement

- **Additional LIHEAP-Funded Programs (15% Wx Set-Aside):**

- Standard Weatherization (Supplemental to DOE Funds)

- Weatherization Deferral Program

- Cooling Assistance Pilot

- “Clean and Tune” Pilot

- **Eligibility:**

- Income at/below 150% of the Federal Poverty Level

- Home Heating Responsibility

- *Crisis: must also have imminent home heating emergency that can be resolved by Crisis grant.*

PROPOSED STATE PLAN (2023-2024) DUE TO BE RELEASED JUNE 10 – HEARINGS IN LATE JUNE / JULY

Federal Energy Assistance Programs

LIHEAP Cooling Pilot:

- Can provide free cooling equipment repair / replacement (central air units, window units, or fans).
- Anyone who received a LIHEAP Cash or Crisis grant is eligible.
- Contact local Weatherization Assistance Program (WAP) provider to apply.

LIHEAP Clean & Tune Pilot:

- Provides all LIHEAP recipients access to free furnace clean and tune, which can help prevent furnace issues and reduce energy costs.

LIHEAP Advisory Committee, DHS

- Meets quarterly, with active subcommittee meetings in-between to develop policy recommendations on pressing matters impacting delivery of benefits.
- CAAP is a member. Past membership has also included Directors from local CAP Agencies.

Federal Energy Assistance Programs

- **Weatherization Assistance Program (WAP)**
 - Weatherization and energy efficiency.
 - Saves participating households an average of \$300/year in energy costs.
 - **Eligibility:**
 - Homeowners or Renters (with landlord approval)
 - 200% of the Federal Poverty Level
 - **Coordination with Whole Home Repairs Program**
 - Effective coordination can help reduce homes deferred from WAP and other energy efficiency programming as a result of mold, leaking roofs, and other critical home repairs.
- **WAP Policy Advisory Council (WAP-PAC)**
 - Meets at least quarterly.
 - Subcommittees vet critical proposals, such as funding allocation, introduction of new measures / programming, and statewide program rules.

Strategies for Preventing Utility Termination

- **Begin Making Payments – Pay What You Can, When You Can...**
- **Enroll in Assistance Programs**
 - CAP, Hardship Funds, LIHEAP.
- **Protections for Customers with PFA or Other Court Order**
 - Cannot be charged for debt accrued in someone else's name – *even if they lived at the home when debt accrued.*
 - Additional / longer payment arrangements.
 - Additional notice of termination.
- **Payment Arrangements**
 - **Utilities have broad discretion to offer payment arrangements.**
 - **PUC may issue one payment arrangement (absent change in circumstances)**
- **Medical Certificates**
 - 30 day protection, can be renewed twice (total 90 days) as matter of right.
 - Can be renewed beyond 90 days if the consumer pays any new/current charges by due date.
- **Winter Moratorium**
 - Households with income at or below 250% FPIG cannot be terminated from December 1 – March 31.
 - ****Not a guarantee to have service restored if already off!***
- **4-year Rule**
 - Arrears over 4 years old cannot form the basis of termination.

Strategies for Connecting / Reconnecting Service

- **No Security Deposit for Low Income (CAP-Eligible) Households**
 - Not required to actually enroll in CAP to waive security deposit, but may be required to provide proof of income.
- **Protections for Customers with PFA or Other Court Order**
 - Cannot charge victim arrears accrued in someone else's name, even if they lived at the residence when the arrears were accrued.
 - Flexible payment arrangements based on individual facts and circumstances.
- **4-Year Rule**
 - Arrears which are more than 4 years cannot be required to be paid as a condition to providing service.
- **Restoration Payment Arrangement**
 - If two prior broken arrangements, utility can require full balance – though they may be willing to negotiate lower up-front payment.

Key Opportunities for Advocacy

- **Testify in Public Input Hearings in Utility Rate Cases**
- **File Comments / Provide Testimony in LIHEAP State Plan Proceeding**
 - Proposed state plan for 2023/2024 to be released in early June
 - Hearings will be held in late June/early July
- **Contact Lawmakers to Request State Funding for LIHEAP/LIHWAP**
 - PA has only appropriated funds to support LIHEAP twice, in 1988 and 2023.
- **File Comments in pending statewide Universal Service Proceeding**
 - PA PUC Docket: M-2023-303944
 - <https://www.puc.pa.gov/pcdocs/1778862.pdf>
- **File Comments in the pending Low Income Usage Reduction Program (LIURP) Rulemaking**
 - PA PUC Docket L-2016-2557886
 - <https://www.puc.pa.gov/pcdocs/1785942.pdf>
- **Advocate for Reforms to Utility Billing, Collections, and Termination**
 - Chapter 14 will sunset at the end of 2024, providing a distinct opportunity to advance key reforms to improve access to service for low and moderate income families in Pennsylvania.

Resources

- Client “One Pagers” / Program Information
 - <https://www.rhls.org/utilities/pulp/links-to-utility-resources/>
- Current LIHEAP State Plan
 - <http://www.dhs.pa.gov/citizens/heatingassistanceliheap/liheapstateplan/index.htm>
- Universal Service Contact Numbers
 - http://www.oca.state.pa.us/information_links/UniversalServNos.htm
- Universal Service Plans
 - Program rules for all utility-run affordability programs
 - http://www.puc.state.pa.us/consumer_info/electricity/energy_assistance_programs.aspx

Referrals

PUC Bureau of Consumer Services

Informal Complaints: 800-692-7380

Formal Complaints:

www.puc.state.pa.us/filing_resources/filing_complaints.aspx

Office of Consumer Advocate (OCA)

www.oca.state.pa.us

800-684-6560

consumer@paoca.org

Training and Technical Assistance (for providers):

Email: PULP@pautilitylawproject.org

Phone: 717-236-9486

Utility Hotline (for clients):

Email: UtilityHotline@pautilitylawproject.org

Phone: 844-645-2500



PULP

PENNSYLVANIA
UTILITY LAW PROJECT

Thank you!

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