

NEADA Annual Meeting Panel

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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
- Technical Assistance and Support Services
- Case Consultation



Utility Insecurity in Pennsylvania

Over **330,000** Pennsylvania households experienced an involuntary utility shut off in 2023 due to non-payment.

- Involuntary gas terminations increased 40% year-over-year, from December 2022 to December 2023.

Low income Pennsylvanians pay between 10-30% of income for energy costs, compared to 3-4% for middle income households.



Chapter 14:

Pennsylvania's Utility Billing, Collections, and Termination Standards

Chapter 14 of the Pa. Public Utility Code: ***The Responsible Utility Customer Protection Act***

- Title 66 of the Public Utility Code.
- Governs utility billing, collection, and termination standards for utilities subject to the jurisdiction of the Pennsylvania Utility Commission (PUC).
- Originally promulgated in 2004.
- First reauthorized in December 2014.
- Without reauthorization, Ch. 14 will sunset in December 2024.
- Most PUC regulations implementing Ch. 14 will likely remain effective if Ch. 14 sunsets.

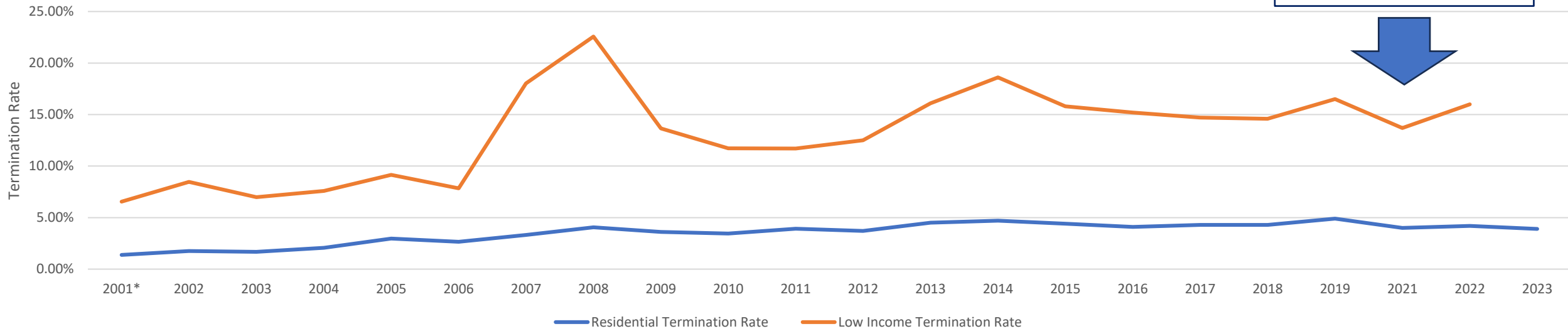
Chapter 14 of the Public Utility Code:

The Responsible Utility Customer Protection Act

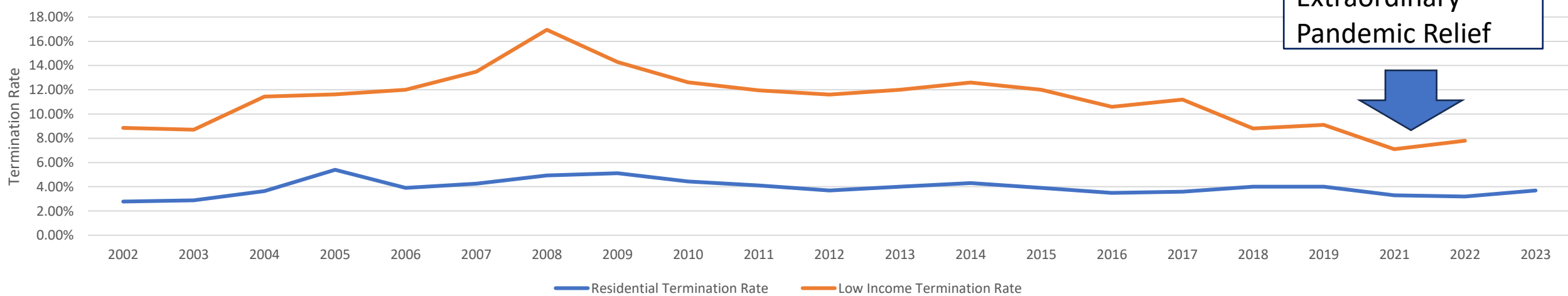
The General Assembly seeks to achieve greater equity by eliminating opportunities for customers capable of paying to avoid the timely payment of public utility bills.

Through this chapter, the General Assembly seeks to provide public utilities with an equitable means to reduce their uncollectible accounts by modifying the procedures for delinquent account collections and by increasing timely collections. At the same time, the General Assembly seeks to ensure that service remains available to all customers on reasonable terms and conditions.

Electric Termination Rates (2001-2023)

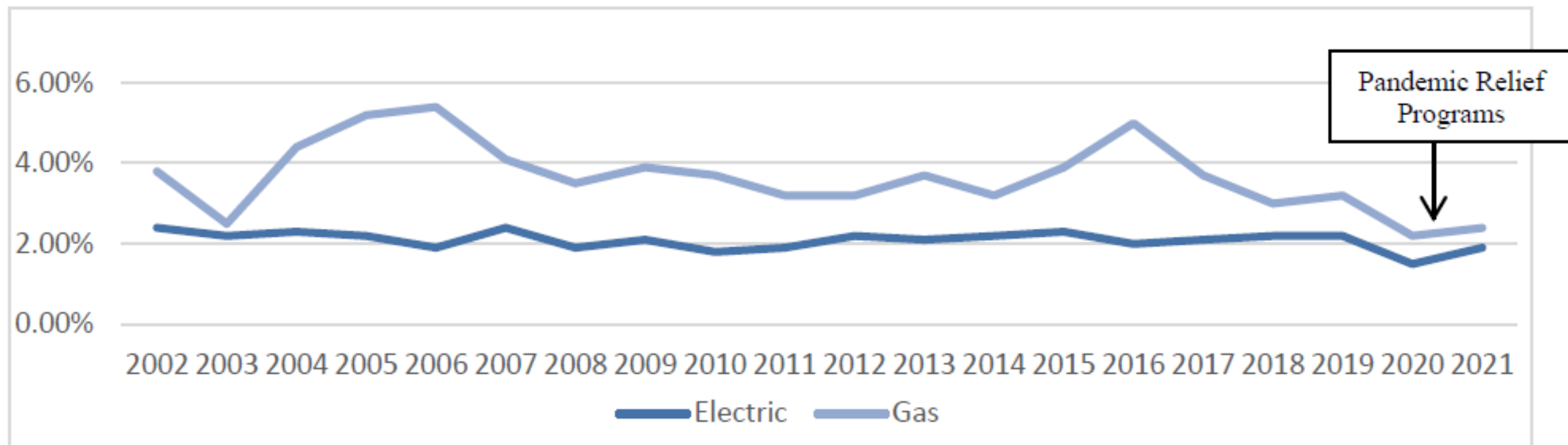


Gas Termination Rates (2002-2023)



	Residential \$ In Debt	CONFIRMED Low Income (CLI) \$ In Debt	% Debt Carried by CLI Customers	CLI % of Residential Customers
Electric	\$375,388,503	\$190,842,367	51%	12%
Gas	\$175,246,559	\$52,674,654	30%	15%

Gross Write-Off Ratio, Residential Electric and Gas Utilities^{xix}



Ch. 14 Reauthorization

- **Two Reauthorization Bills:**

- House Bill 1077

- Pending before House Consumer Protection, Technology & Utilities Committee

- Senate Bill 1017

- Passed the Senate on Tuesday, May 7, 2024
 - Pending before House Consumer Protection, Technology & Utilities Committee

Summer Moratorium

- **(Current) Winter Moratorium**

- December 1 through March 31.
- Protects households with income at or below 250% FPL.

- HB 1077 would add a new summer termination prohibition

- “Unless otherwise authorized by the commission, after June 30 and before September 1, a public utility may not terminate service to a customer with a household income at or below 250% of the Federal Poverty Level” except in certain circumstances.

- SB 1017 does not contain the same language for a summer moratorium

Medical Certificates Under Chapter 14

- Standard: Serious illness or medical condition that requires service.
- Pauses termination for 30 days, does not relieve debts.
 - May renew twice, for total of 90 days.
 - Additional renewal IF consumer pays current charges in full by the due date.
 - For customers who can meet these payment requirements, these requirements often unclear, not explained.
 - Does not contain any extended protection for chronic illnesses.
- Must be signed by physician, nurse practitioner, or physician assistant
 - Cannot be signed by registered nurse or social worker

Improved Medical Certificate Standards (HB 1077)

- **Ensures people with chronic medical conditions, seniors, young children, and survivors of domestic violence remain connected to life essential services.**
 - Allows registered nurses and licensed social workers to sign medical certificates.
 - Extends the length of medical protections to protect households whose members have a chronic illness.

Other Statewide Efforts to Improve Utility Equity and Assistance

LIHEAP / Utility Data Sharing Policy

Led by LIHEAP Advisory Committee to DHS (LAC)

- Included Both Formal Members and Stakeholders:
 - PUC, DCED, Consumers, Service Agencies, Utilities / Trade Associations
- Initial Goals:
 - Identify Information Utility Vendors Need
 - Identify How Information Obtained/Received
 - Identify Barriers to Providing Information / Whether Barriers Can be Overcome
 - Identify Consumer Privacy Concerns
 - Identify Next Steps within DHS, Utilities, PUC

LIHEAP / Utility Data Sharing Policy

- **Developed Consensus Recommendations**

- List of Agreed-to-Data Points include

- Name of utility account holder
 - Name of all household members, regardless of the household member's eligibility for LIHEAP
 - Income (annual or monthly) for all household members
 - Source of income for all household members (e.g. employment, Social Security, etc.)
 - Date income was verified
 - Service address
 - Account number (or other unique identifier) for head of household
 - Age or DOB of all household members (USRR reporting requirement)
 - Telephone number
 - Email address

- **Protections include....**

- Obtaining Opt-In Consent
 - Strict Limits on the Use and Application of Data
 - “Singular purpose” to streamline enrollment / facilitate outreach

- **Implementation Target: Fall 2024**

- Utilities are currently presenting proposals before the Pa. PUC how they will use LIHEAP data – for outreach, CAP recertification, CAP enrollment – or a combination of these.

Expanded LIHEAP Seasons

- LIHEAP Crisis Cooling Pilot operated in 2023/ 2024 program year. Will continue for the 2024/ 2025 LIHEAP season.
 - Eligibility for homes that received any LIHEAP services in the 2023-2024 season.
 - Homes that are currently receiving DOE or LIHEAP WAP or Readiness/Deferral work will also be eligible for the LIHEAP Crisis Cooling Program.
- LAC has recommended framework to develop summer LIHEAP, should funding become available.

Climate Action Plans

- Background
 - Pa. Climate Change Act (Act 70 of 2008) requires that Pa. DEP creates a Climate Advisory Committee and a Climate Action Plan (CAP)
- New CAP is set to be released next month.
- The Inflation Reduction Act, through the Greenhouse Gas Reduction Fund, provided funding to states and regional planning organizations to develop Priority Climate Action Plans (PCAPs)
 - Pa. and regional partners are working on creating PCAPs and coordination of CAP/PCAP.
- CAP and PCAP provide an important opportunity to coordinate processes with other utility and statewide assistance, including LIHEAP
 - Address climate issues affect energy security and affordability
 - Address how to prioritize and coordinate a range of program services with goals/initiatives under CAP/PCAPs

Refer Questions to:

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