

Training On Utility Service Issues



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AGENDA

- Role of OPC
- Utility Services and Need for Assistance
- Types of Assistance
- Utility Services: Consumer Rights and Responsibilities
- Energy Efficiency and Conservation
- Energy Suppliers
- Resources

“This training is for informational purposes only and does not constitute legal advice”

THE OFFICE OF PEOPLE'S COUNSEL

- Independent State agency
 - Represent interests of residential customers of regulated utility services
 - Electricity
 - Gas
 - Telephone (no cable or Internet)
 - Private water
 - Consumer Assistance Focus
 - Vulnerable customers
 - Service terminations
 - Patterns: service quality or violations of regulations
 - Energy suppliers
 - Education and Outreach

OPC'S Regulatory Role

Legal Advocacy: Where We Do It

- Public Service Commission (PSC)
- Federal agencies :
 - Federal Energy Regulatory Commission (FERC)
 - Federal Communications Commission (FCC)
 - Federal Trade Commission (FTC)
- Federal and State Courts
- Federal and state legislatures

OPC -Types of Regulatory Issues

- Electric Industry Structure
- Distribution rates (electric, gas and private water)
- Purchase of electricity and gas supply
- Electric and gas system service quality and reliability
- Energy efficiency and conservation
- Local telephone regulation and service quality
- Energy suppliers
- Wholesale electricity markets and transmission lines
- Consumer protection issues
 - Utility service
 - Low-income and vulnerable customers

OPC ACTIVITIES AND RESOURCES

Low-Income and Vulnerable Customers

- **Activities**
 - PSC Proceedings
 - DHR/OHEP Advisory Board
 - DHCD Weatherization Advisory Board
 - MEA SEIF Advisory Board
 - Energy Advocates
 - Outreach: Government and non-profit agencies
- **Resources**
 - Resource guides
 - Fact sheets
 - Website
- **Assistance Focus**
 - Crisis: Off-service (or threatened)
 - Agency referrals
 - Vulnerable customers: medical issues; elderly; special needs

OPC - Consumer Assistance Issues

- Service applications
 - Security deposits
 - Waivers
 - Prior bills or transferred bills
- Billing problems/questions
- Quality of service (e.g., repeated outages)
- Bill payment plans and assistance
- Terminations of service
 - Medical certifications to prevent loss of utility service
- Gas and Electric Suppliers – marketing, solicitation and contracting

Growing Energy Affordability Needs in Maryland

- Significant increase in need
 - DHR Annual Report to PSC
 - PSC Arrears and Terminations Reports
 - Recent Census Reports
- Significant increase in requests for assistance
 - DHR FY 2012 Proposed Operations Plan
 - Increased request from customers with higher incomes
 - Water bills
- Decrease in governmental and private funds
 - Reduced energy assistance (LIHEAP, EUSP and RGGI funds)
 - Non-Profits and Faith-Based Organizations
 - Fuel Funds

Energy Assistance Options

- Direct Bill Assistance
- Indirect Assistance
- Regulatory Assistance
- Energy Efficiency and Conservation Programs

Energy Assistance

- Office of Home Energy Programs (OHEP)
 - One application
 - Pending loss of service: Utilities will grant 55-day extension
 - Types
 - Maryland Energy Assistance Program (MEAP) (federal LIHEAP)
 - All fuels: Heating and cooling
 - Grants based on income and type of fuel use
 - Applicant must be household member; not limited to utility customers
 - Electric Universal Service Program (EUSP)
 - Bill Assistance based on income and electricity usage: FY12 average: \$323
 - Arrears assistance: Arrears between \$300-\$2000
 - Limit: Once every 7 years
 - OHEP assistance waiver: If customer received an arrears amount less than \$300
 - Potomac Edison: Additional arrears assistance (\$600,000) as a result of merger order
 - Applicant must be utility customer
 - Budget billing enrollment is required
 - Eligibility
 - Up to 175% of Federal Poverty Level

Public Housing Allowances

- Public Housing Authority Utility Allowances
 - Both public and assisted housing (Section 8) residents are eligible to receive utility allowances for utility bills.
 - The allowances are meant to cover 100% of utility bills which include electricity, heating and water/sewer.
 - Local housing authorities are required to provide regular up-dates to tenants' allowances and allowances are to be increased when utility rates change by 10% or more
 - Impact of unpaid utility bills:
 - Prior residence bill: May prevent a person from finding a new rental unit if she cannot get utility service at new location, and may lose certificate
 - Current residence bill: May be subject to eviction due to service shut-off, and may lose certificate

Telephone Assistance

- LIFELINE Service
 - federal program, funded by telephone users, that helps to make telephone service more affordable by providing a discount on either traditional (wired) or wireless service.
 - Eligibility: Maryland residents who receive TCA, TDAP, SSI, SNAP, PAA, MEAP/ EUSP
 - Discounts for both landline (wired) and wireless lifeline service are available.
 - Only ONE discount is available per household
- LINK-UP service: Discounts on installation costs for landline (wired) service
- Information:
 - <http://www.fcc.gov/guides/lifeline-and-link-affordable-telephone-service-income-eligible-consumers>
 - www.lifelinesupport.org
 - Verizon: www.verizon.com/md; 1-800-525-0145
 - Wireless carriers: Vary

Crisis Assistance – Utility Bills

- Eligibility: Households who do not qualify for OHEP programs or who need additional help
- Programs vary widely by location
- Types
 - Fuel Funds
 - State Programs
 - Substantial local agency discretion
 - Do not need to be a DSS service recipient to request emergency grants
 - Types
 - Emergency Assistance to Families with Children (EAFC)
 - Flex Funds
 - Welfare Avoidance Grants
 - Adult Services
 - Offices on Aging
 - FEMA
 - Private Funds

Crisis Assistance - Fuel Funds

- Non-profit organizations
 - Utility partnership
 - Funding: Utility, ratepayers and private donations
 - 3-way match: Combines customer contribution, utility matching credit and Fuel Fund contribution
 - Eligibility
 - Service termination notice
 - Last stop: Must apply for OHEP assistance
 - May exceed OHEP income guidelines in emergencies

Crisis Assistance: State Programs

- Flex Funds
 - Purpose
 - Maintain or reunify children with families
 - Assist vulnerable adults without children
 - Use: Goods and services must relate to child's or family's service plan
 - Utility bills can qualify for funds
- Emergency Assistance to Families with Children (EAFC)
 - Grants available once every 2 years
 - Household emergencies, including utility bills
 - Eligibility: Families with one or more children under 21
 - Children must be related to (and reside with) applicant
 - Document individual circumstances to demonstrate need

Crisis Assistance: State Programs

- Welfare Avoidance Grant (WAG)
 - Eligibility: Recipient of Temporary Cash Assistance (TCA)
 - Purpose: To address household emergencies that may prevent a household member from gaining or continuing employment
 - Grant may be equal to 3 months or less of TCA benefits
 - Caveat: Recipients of a WAG must forego TCA for the number of months covered by the grant

Crisis Assistance: State Programs

- **Adult Services**
 - Flex Funds
 - Eligibility: vulnerable adults
 - Provider: Local Adult Services or Adult Protective Services programs
 - Limited funding
 - Highly discretionary

- **Offices on Aging**
 - Caregiver Funds
 - Eligibility: Seniors aged 60 and over
 - Provider: Local Offices on Aging
 - Grants: Up to \$500
 - Grants are eligible for Fuel Fund matching credits

Crisis Assistance – Other Resources

Federal Emergency Management Agency (FEMA)

- Federal agency responsible for disaster relief and distributing certain emergency funds to the state on an annual basis.
- Certain local jurisdictions in Maryland receive these funds every year
 - Utility emergencies
- Local Fuel Funds, Community Action agencies or local DSS offices are aware of the availability of FEMA funds in their areas.

Private Charities

- Various sources of charitable assistance exist throughout the State
- Resources
 - OPC Resource Guide
 - 2-1-1
 - BGE Purple Book

Indirect Assistance – Tax Credits

Earned Income Tax Credit (EITC)

- This federal tax credit is one of the country primary anti-poverty programs
- Refundable tax credit
 - Average refund of about \$2,000.00
 - Three year retro-active refund application
- State and local EITC: If eligible for the federal EITC, applicants may be entitled to a Maryland EITC equal to 50% of the federal EITC, as well as a local EITC
- Individuals may be eligible for an EITC even if no taxes are owed
 - Tax return must be filed
- The EITC is an important resource for addressing past due utility bills
 - Winter heating bills may be past due when tax returns can be filed
 - Winter restrictions on service terminations end on March 30

Indirect Assistance – Tax Credits

The Child Tax Credit

- The Child Tax Credit is a federal special tax credit for limited income families.
- A person may be eligible for this tax credit of at least \$600 per child even if he or she does not owe any taxes. However, a tax return must be filed.

The Renter's Tax Credit (RTC)

- Maryland tax credit offered to limited income renters.
- Eligible renters include limited income persons who are (1) under age 60, or (2) 100% disabled. All renters age 60 and over are eligible. The application and documents must be received by September 1st of each year.

The Homeowner's Property Tax

- This Maryland tax credit is available to Maryland homeowners whose property taxes exceed a fixed percentage of their incomes.
- The program is available to qualified homeowners regardless of age. The application and documents must be received by September 1 of each year.

Indirect Assistance – SNAP

SNAP (Food Stamps) – High utility bills can reduce countable income

- Limited income households may receive additional financial assistance in the form of Food Stamps **based upon increases in utility bills**.
- Food stamp eligibility is based on “countable income”.
- Countable income is reduced if shelter expenses are greater than 50% of total household income.
- Shelter expenses include rent, mortgage and utilities (include telephone).
- Therefore, increased utility bills may help a household qualify for food stamps.
- Every three dollars in reduction of income yields two dollars in benefits; therefore, there are tremendous implications for food stamp benefits based upon spikes in energy prices.
- It is critically important that increased energy, water and telephone bills are taken into account in clients food stamp annual review process.

Regulatory Assistance

- MD Public Service Commission is state utility regulator
 - Utilities: electric, gas, local telephone and private water companies
 - Energy suppliers
 - Regulates rates and terms and conditions of utility service
 - PSC has some authority over administration of EUSP(utility role)
 - PSC Regulations: Utility customer rights and responsibilities
 - PSC has consumer dispute unit and procedures

Regulatory Assistance

- Utilities: electric, gas, local telephone and private water
 - Electric cooperatives and municipal utilities are included
 - Public water systems and WSSC are not included
 - Cable, Internet and wireless services are not included
- Energy suppliers (and brokers)
 - Competitive companies that sell (or broker) electricity or gas supply
 - Utilities must still distribute electricity and gas to homes
 - PSC is licensing agency
 - PSC has consumer regulations: marketing, solicitation and contracting of energy supply
 - MD Consumer Protection laws apply

OHEP Agencies Raising Regulatory Issues

- 55- Day Rule
- Budget Billing
- Special Agreements
- Benefit of Use/ Co-Occupancy Issues
- Security Deposits
- Landlord/ Tenant Application for Service Issues
- Restrictions on Termination
- PSC Complaint Process
- Energy Suppliers

Regulatory Assistance

- PSC Regulations: COMAR Title 20
 - Utility customer rights and responsibilities
 - Service applications
 - Security deposits
 - Credit
 - Billing requirements
 - Service terminations
 - Restrictions on service termination
 - Alternate payment plans
 - Utility programs
 - Disputes
 - Billing
 - Service
 - Past-due bills: Payment plans

Regulatory Assistance : Disputes

- PSC Office of External Relations (OER)
 - Dispute and mediation unit
 - Dispute regulations: COMAR 20.32
 - Complaints:
 - Phone: 1-800-492-0474
 - On-line: www.psc.state.md.us
 - Facsimile: 410-333-6844
 - Appeals and complaints can be filed directly with PSC

Utility-Based Programs

- Bill Extender Plan
 - Change bill due date to avoid late fees
- Budget Billing (Even Monthly Payment Plan)
 - Helps stabilize monthly billing; will be adjusted periodically
- Utility Service Protection Program (USPP)
 - Assist MEAP customers with heating bill problems
 - Reconnection fee
 - Security deposits

PSC Consumer Regulations

Service Applications

- Creditworthiness
 - Payment history and prior disconnections
 - Utility account status
 - Late payments
 - Employment and housing information
- Security deposits
 - Maximum: 2/12 of estimated annual bill
 - Installment plans required
 - Exemptions: USPP customers and customers age 60+ (restrictions)
 - Return of deposit
- Denial of applications
 - Outstanding bill from prior residence (frequent Section 8 obstacle)
 - Misrepresentations
 - Co-occupant bills
- Restrictions on denial of service
 - Arrears older than 7 years (exceptions: fraud and agreements to pay)
 - Outstanding bill of prior occupant or landlord
 - Merchandise and service contract bills
- Notice to customer of reasons for service denial is required

PSC Consumer Regulations

Alternate Payment Plans (APP)

- APP: A utility payment plan designed to avoid service termination and to pay all outstanding charges to utility
- Non-low-income customers
 - Utility *may* in good faith attempt to negotiate a reasonable APP
- Low-income customers
 - Utility *must* in good faith attempt to negotiate a reasonable APP
 - LI: Use EUSP/MEAP income guidelines
 - MEAP/USPP customers: Utility must offer APP for arrears up to \$400
- Factors: Circumstances and financial condition
 - Size of bill, ability to pay, payment history, energy assistance, hardships and “any other relevant factor”
- Utility Refusal of APP
 - Failure to meet terms of an APP in past 18 months
 - Fraud or theft of service
 - Denial of access to utility equipment

PSC Consumer Regulations

Service Terminations

- Permitted termination
 - Non-payment of bill or security deposit
 - Non-compliance with utility rules (tariffs)
 - Denial of reasonable access to equipment
 - Fraud and deception
 - Unpaid Co-occupant bills
 - Safety hazards, theft and tampering
- Prohibited termination
 - Outstanding bill of previous occupant or landlord
 - Merchandise or service contracts
 - Bill outstanding for less than 3 months
 - Bill is \$100 or less
 - Bill more than 7 years old (exception: fraud or agreement)
- Disputed bills
 - Utility cannot terminate service *after* complaint is filed with PSC
 - Off-service: Utility does *not* have to reconnect service

PSC Consumer Regulations

Service Terminations - Restrictions

- General
 - Termination would endanger health or life
- Specific
 - Medical: Serious illness or life-support equipment
 - Lack of service must aggravate the illness or prevent equipment use
 - Medical certification
 - Elderly or disabled occupants: Extra notice required
 - Age: 65 or older
 - Disability: can be physical or mental
 - Proof of disability benefits or certification required in advance
 - Extreme weather (hot and cold)
 - Forecast at 6 a.m. of 32 degrees or below during next 72 hours
 - Forecast at 6 a.m. of 95 degrees or above during next 72 hours
 - Gas: applies only in cold weather (unless used for cooling)
 - Winter – No moratorium
 - Bill must be more than \$200 (\$300 for combined G&E)
 - Utility affidavit filed with PSC at least 24 hours in advance
 - Attempted personal contact on 2 separate days

PSC Consumer Regulations

Dispute Process

A utility customer can use the PSC complaint process for unresolved disputes:

- Billing disputes;
- Service denials and terminations;
- Service quality.

The customer should take the following steps:

- Contact the utility to try to work out dispute:
 - Customer Service representative;
 - Supervisor.

If problem not resolved, customer can file a complaint with Public Service Commission Office of External Relations:

- Always send a written complaint or follow-up letter;
- Use PSC Complaint Form, call 410-767-8028 or download www.psc.state.md.us.

The customer is entitled to a written decision or complaint.

The customer has a right to appeal the decision to the Commission

A utility cannot terminate service for a bill amount in dispute.

The customer is responsible for the undisputed portion of bill.

PSC Consumer Regulations

The Co-Occupancy Dilemma

- Co-occupancy: 2 or more adults who occupy the same dwelling unit as a primary or legal domicile
- PSC regulations allow utility to deny or terminate service for a co-occupant's bill under some circumstances
 - The applicant and co-occupant lived in prior residence; co-occupant was utility customer with unpaid bill, and they are co-occupants in a new residence
 - The applicant and co-occupant have lived in current residence; co-occupant was utility customer with unpaid bill, and applicant requests account in her name
 - CATCH-ALL: Application is made “*for purpose of assisting another occupant to avoid payment of that occupant's prior outstanding bill*”
 - NO PSC or Court decision interpreting this provision
 - Intent is required
 - Utilities apply this frequently to any co-occupancy situation, whatever the reasons for the joint household
 - Utilities frequently *transfer* prior account balances of co-occupant to new bill without notice
 - These obligations should be reviewed and challenged on basis of intent

Energy Suppliers

- Customers can buy energy supply from competitive companies
 - Utilities must deliver the gas or electricity
 - Utilities also provide supply service
- Suppliers must be licensed by PSC
- PSC has solicitation, marketing and contracting regulations for suppliers
 - Supplier price terms are not regulated
 - Consumer issues: inaccurate or deceptive price terms, cancellation fees, automatic contract renewal
- Supplier charges appear as a separate line on utility bill
- Suppliers must comply with Consumer Protection Act, Door to Door Solicitation Act and Telephone Solicitation Act
- OPC Website:
 - Price comparison information
 - Guide to contracting with suppliers

How to Address Utility Bill Affordability

- There is a continuing utility bill affordability problem for low-income customers
- Possible responses
 - Increased direct bill assistance (including arrears assistance)
 - Regulatory programs
 - Percentage of income
 - Payment plans
 - Arrears forgiveness (with customer contributions)
 - **Energy efficiency and conservation programs**
 - Other coordinated services

Energy Efficiency and Conservation Programs Low-Income Customers

- DHCD-Administered Programs
 - Federal Weatherization Assistance Program (WAP)
 - Fuel: All sources
 - Funding sources: WAP; some utility funds (BGE CHIP); OHEP MEAP funds for furnace repair and replacement (ARRA and RGGI funds no longer available)
 - Income eligibility: 200% of federal poverty level
 - Measures: energy audits, air sealing, insulation, low flow shower heads, CFLs, HVAC repair and replacement
 - Renters eligible with landlord agreement
 - Utility EmPower Maryland Low-Income Programs
 - Electric only
 - Income eligibility: 175% of FPL

EmPOWER Maryland

Low Energy Efficiency Programs (LIEEP)

WHAT IS THE EmPOWER LOW INCOME ENERGY EFFICIENCY PROGRAM?

AM I ELIGIBLE?

HOW DO I APPLY?

HOW DOES THE PROGRAM WORK?

HELPFUL INFORMATION AND OTHER RESOURCES

WHAT IS THE EmPOWER LOW INCOME ENERGY EFFICIENCY PROGRAM?

The EmPOWER Low Income Energy Efficiency Program (LIEEP), administered by the Maryland Department of Housing and Community Development (DHCD) helps low income households with installation of energy conservation materials in their homes at no charge. These improvements will both reduce a household's energy use and lower the monthly utility bills, and will also make occupants more comfortable and may improve the air quality and overall health of the family.

Funding is provided for this program through EmPOWER Maryland partners:

| | | | | |
|---|---|--|---|---|
|  Baltimore Gas and Electric |  Southern Maryland Electric Cooperative |  Delmarva Power |  Allegheny Energy Potomac Edison |  Potomac Electric Power Company |
|---|---|--|---|---|

AM I ELIGIBLE?

Households may participate in the program if their annual household income is equal to or less than the equivalent of 200% of the federal poverty level. Please see the chart below to find out if your household income qualifies you to take advantage of this program. In addition to meeting income requirements, you must also have an account with one of the five participating utility companies (BGE, Delmarva, PE, Pepco and SMECO). If you own your home, you must also be able to prove ownership of your home. If you rent your home, your landlord must be able to prove ownership and agree to participate in the program.

Current Income Eligibility Limits

| FAMILY SIZE | MONTHLY INCOME | ANNUALIZED INCOME |
|----------------------------|----------------|-------------------|
| 1 | \$1,861 | \$22,340 |
| 2 | \$2,550 | \$30,260 |
| 3 | \$3,181 | \$38,180 |
| 4 | \$3,841 | \$46,100 |
| 5 | \$4,501 | \$54,020 |
| 6 | \$5,161 | \$61,940 |
| 7 | \$5,821 | \$69,860 |
| 8 | \$6,481 | \$77,780 |
| Each additional person add | \$ 330 | \$3,960 |

EmPOWER Maryland

Low Energy Efficiency Programs (LIEEP)

HOW DOES THE PROGRAM WORK?



Once we have determined that your household is eligible to participate in the program, you will be contacted by a local agency that will schedule a time for your home to receive an energy audit. The audit will prioritize the most effective ways to reduce your energy costs while increasing comfort. The local agency will discuss the results of the energy audit with you and schedule a contractor to come out to your home to complete the recommended work. As part of this process, the local agency will ask you to share information on your energy bills and may talk to you about things that you and your family can do to save even more energy. After the energy efficiency upgrades have been made to your home, the local agency will conduct another evaluation of your home to ensure that your home is operating more efficiently.

The program may provide the following improvements to make your home safer, healthier and more energy efficient:

- Insulation in the attic, floors and walls;
- Hot water system improvements;
- Lighting retrofits;
- Furnace cleaning, tuning and safety repairs;
- Refrigerator retrofit, if applicable;
- Health and safety items.

EUSP Public Conference 27

- Commission Notice convening the Public Conference:

There are “fundamental questions about whether the current suite of energy assistance programs, as currently designed and implemented, is fulfilling (or can fulfill) the intended purposes and whether the programs are appropriately funded.”

“...the Commission sees a growing and compelling need to undertake a structural, longer-term review of energy assistance programs in Maryland and to consider alternatives to the seemingly untenable *status quo*.”

January 11, 2012 Notice, p. 2.

- Matters for Commission consideration
 - Arrearages and Inability to Pay: Scope, causes and trends over time
 - Original goals of current assistance programs and whether they have changed, or should change
 - Sources of available funding and amount of necessary funding
 - Eligibility criteria for assistance programs
 - One-stop shopping: Coordination of energy assistance and other programs
 - Efficiency of resource distribution
 - Bill assistance vs. bad debt write-offs: Impact on customer bills
 - Best practices: Other states

PSC Staff and OPC Response to PC27 Affordable Energy Plan (AEP)

- The AEP represents OPC's and PSC Staff's recommendations for changes to Maryland's existing energy programs
- The following five components would be available to both gas and electric customers
 1. Bill payment assistance based on a percentage of income payment by customers eligible for OHEP or with incomes at or below 175% of the federal poverty level
 2. Pre-program arrearage assistance based on the same principles where in customers' co-payment based on percentage of income and retirement of pre-AEP arrearages matched to customers' co-payments. There is no provisions for retirement of arrearages accumulated after program enrolment
 3. Coordination with existing weatherization and EmPower Maryland programs in order to increase energy efficiency
 4. Targeted treatment for customers with very high usage or special circumstances
 5. Crisis assistance
 6. Certain program participants could be referred for case management services based on certain criteria for example, continued payment troubles or other household circumstances, including medical issues

Program Costs and Savings

- AEP structured to solve energy affordability for eligible customers, not to just postpone change until next energy cost or assistance funding crisis
- Report has many reasons by cost estimate likely to be an overestimate and why cost should reduce over time
- Program should eliminate or significantly reduce “hidden” costs currently paid for by all customers
 - On-going monthly non-payments statewide of \$40+ million
 - Utility collections and uncollectable costs related these arrearages
 - Charitable donations that could be redirected to other needs
 - Human misery
 - Fragile domicile situations related to utility service uncertainty
 - Tough choices regarding other household expenses
 - Safety related to improper use of alternative heating equipment

Next Steps

- Commission policy guidance
 - Adopt AEP as new framework
 - Modifications to existing EUSP, USPP and/or MEAP
 - No changes at this time
- Commission procedural guidance
 - Develop proposed legislation
 - Develop proposed changes in regulations
 - Clarify implementation details
 - Utilize work groups as appropriate

References

- PSC Law: Public Utilities Article (PUA)
- PSC Regulations: COMAR Title 20
 - 20.30: Deposits and Late Fees
 - 20.31: Service Terminations and Restrictions
 - 20.32: Dispute Procedures
 - 20.50: Service Applications and Billing
 - 20.51 and .53: Electricity Suppliers
 - 20.54 and .59: Gas Suppliers
 - 20.70: Water Companies
- Consumer Protection Act, Title 13 of the Commercial Law Article
- Door to Door Solicitations Act, Section 14-301 *et seq.* of the Commercial Law Article
- Telephone Solicitation Act, Section 14-2201 *et seq.* of the Commercial Law Article

FOR MORE INFORMATION

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- *THANK YOU FOR INVITING OPC!*