



STATE OF MAINE
PUBLIC UTILITIES COMMISSION

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January 14, 2022

Honorable Mark W. Lawrence, Senate Chair
Honorable Seth A. Berry, House Chair
Members, Joint Standing Committee on Energy, Utilities and Technology
100 State House Station
Augusta, Maine 04333

Re: Decisions Made Regarding Low-income Ratepayer Assistance in Docket No. 2021-00061

Dear Senator Lawrence, Representative Berry and Members of the Joint Standing Committee on Energy, Utilities and Technology:

During the First Special Session of the 130th Legislature, the Legislature enacted Public Law 2021, chapter 101 (LD 143, An Act Regarding the Arrearage Management Program) (Act). Section 3 of the Act states:

Sec. 3. Low-income ratepayer assistance. The Public Utilities Commission shall consider in Public Utilities Commission Docket No. 2021-00061 proven, global best practices to assist low-income ratepayers, including, but not limited to, the use of lower tier rates for customers based on income. The commission shall provide to the Joint Standing Committee on Energy, Utilities and Technology any information or decisions made in relation to low-income ratepayer assistance pursuant to Docket No. 2021-00061 by January 15, 2022. The committee may report out a bill to the Second Regular Session of the 130th Legislature based on the information or recommendations provided by the commission pursuant to this section.

The Commission opened Docket No. 2021-00061¹ to seek comment on a number of issues related to a request from AARP Maine (AARP) for an emergency rulemaking proceeding to authorize a pilot program to significantly expand participation in Maine's Low-Income Assistance Program (LIAP).

The Commission Staff discussed the language in the Act, as well as other issues related to AARP's request, with stakeholders at a meeting held on July 28, 2021. The Commission reviewed information on low-income programs in other New England states and solicited written comments on proven, global best practices to assist low-income

¹ *MPUC Inquiry Regarding Request to Expand Participation in Maine's Low-Income Assistance Program*, Docket No. 2021-00061, Notice of Inquiry (Mar. 19, 2019).

ratepayers from stakeholders in the docket. The Commission received comments from AARP, the Office of the Public Advocate (OPA), Central Maine Power (CMP), Versant Power and Eastern Maine Electric Cooperative (EMEC) and subsequently discussed the issue with stakeholders at another meeting on September 27, 2021. Additional stakeholders who participated in the docket include Maine Equal Justice, Madison Electric Works, Dirigo Electric Cooperative, Houlton Water Company, Kennebec Light & Power District, Van Buren Light & Power District, Fox Island Electric Cooperative, Consumers For Affordable Health Care, Waldo Community Action Partners, York Community Action Partners, the Maine Community Action Partnership and representatives from the Department of Health and Human Services (DHHS) and the Maine State Housing Authority (MSHA).

Commenters generally agreed that there aren't, or they weren't aware of, any proven, global best practices in this area.² AARP suggested that best practices refer to state low-income utility assistance programs that reflect a wide range of program eligibility based on already existing means-tested social assistance programs, provide sufficient funding and are implemented in the most cost-effective manner.³ AARP provided information on aspects of some New England programs as examples. The Commission also reviewed a summary of other state electric low-income assistance programs in operation across the country compiled by the National Association of Regulatory Utility Commissioners (NARUC).

The OPA talked about taking a holistic approach to find ways to bring customers' energy usage down stating weatherization, financial counseling and energy efficiency counseling are useful tools to help create affordable monthly utility bills and promote on-time payment behaviors.⁴ The OPA noted that the American Rescue Plan Act funding allocates several million dollars to the Efficiency Maine Trust (Trust) to improve low-income household weatherization which will expedite efficiency upgrades over the next five years and, as a result, didn't believe it was necessary to consider including this type of assistance as part of the current LIAP evaluation.⁵ Some other stakeholders were also supportive of a holistic approach.⁶ AARP indicated that ideally coordinating all these efforts was a good idea but did not believe that was possible at this time and that its preference was to focus on the design, funding and enrollment issues of the LIAP.⁷

On January 11, 2022, the Commission opened a rulemaking to consider amendments to expand LIAP eligibility to include all means-tested programs administered by DHHS.⁸ This will likely expand the households in Maine that are eligible to participate in

² See, e.g., Comments of Versant Power at 1 (Sept. 10, 2021), Eastern Maine Electric Cooperative (EMEC) at 1 (Sept. 14, 2021), Central Maine Power Comments at 1 (Sept. 14, 2021) and Transcript at 33-34 (Sept. 27, 2021 Meeting).

³ AARP Comments at 3 (Aug. 31, 2021).

⁴ Office of the Public Advocate Comments at 3 (Sept. 14, 2021).

⁵ *Id.*

⁶ See, e.g., EMEC Comments a 1 (Sept. 14, 2021), Transcript at 29, 40, 58 (Sept. 27, 2021 Meeting).

⁷ Transcript at 34-35 (Sept. 27, 2021 Meeting).

⁸ *MPUC Amendments to Statewide Low-Income Assistance Plan Rule (Chapter 314)*, Docket No. 2021-00400, Notice of Rulemaking (Jan. 11, 2022).

the LIAP from approximately 40,000 currently to approximately 100,000.⁹ The Commission has also had a number of discussions with DHHS and MSHA regarding program administration issues related to expanding the program. The Commission has been exploring potential ways to address limitations on the ability of DHHS to share certain information with the Commission, MSHA or the utilities due to confidentiality issues (i.e., information regarding customers' participation in means-tested programs and customer consent to share this information).

In addition, it is the Commission's understanding that there have been discussions about a type of application portal or other resource that may become available in future years where people could go and apply for a number of different State services.¹⁰ There have also been some discussions about the possibility of making a change to the DHHS program applications that would allow customers to give consent to share their information.¹¹ The Commission anticipates discussing these issues further in the rulemaking proceeding.

At this time, the Commission has no recommendations for legislation, but if the rulemaking process reveals statutory changes are necessary, the Commission will bring the matter to the Committee.

If you have any questions, please do not hesitate to contact us.

Sincerely,



Philip L. Bartlett II, Chairman

On behalf of the Chairman
Randall D. Davis, Commissioner
Patrick J. Scully, Commissioner
Maine Public Utilities Commission

cc: Lindsay Laxon, Legislative Analyst

⁹ According to the Department of Health and Human Services (DHHS) statistics, approximately 59,505 households in Maine participate in DHHS administered programs and have an electric expense.

¹⁰ Transcript at 14-15 (Sept. 27, 2021 Meeting).

¹¹ *Id.* at 16.