

BEFORE THE
NEW HAMPSHIRE PUBLIC UTILITIES
COMMISSION DE 21-133
Joint Petition for Approval of the 2021-2022
Electric Assistance Program Budgets

Parties' Responses to the Commission Record
Requests issued in Prehearing Conference Order
26,576 (February 3, 2022).

(filed March 1, 2022)

Each party respectfully reserves the right to supplement each response.

Response to Record Request 1

Date request received: 02/03/22 (Order 26,576)

Date of response: 03/01/22

Primary Respondents: the Department of Energy (DOE), LISTEN Community Services (LISTEN)

Record Request 1:

Please provide information on the relation between 60 percent of New Hampshire (NH) median income and 150 percent of the federal poverty level and the reasons for creating the EAP top tier at 60 percent of the NH median income level.

Response:

The Parties' response to Record Request 6 also provides information responsive to this Record Request.

LIHEAP/FAP Statute

42 U.S.C. § 8624(b)(2)(B) governs the financial eligibility limit for the Low-Income Home Energy Assistance (LIHEAP) Program, which is known as the Fuel Assistance Program (FAP) in New Hampshire. The income limit for LIHEAP is “the greater of – (i) an amount equal to 150 percent of the poverty level for such State; or (ii) an amount equal to 60 percent of the State median income.” 42 USC § 8624(b)(2)(B). LIHEAP is a federal program that is administered by the NH Department of Energy (DOE). RSA § 12-P:7.

Prior to the creation of DOE, the Office of Strategic Initiatives (OSI) administered LIHEAP in New Hampshire.

Federal Poverty Guidelines and State Median Income

For the year 2022, 150% of federal poverty guidelines (“FPG”) is \$20,385 for a household of one, and \$41,625 for a household of four. See HHS Poverty Guidelines for 2022, Office of the Assistant Secretary for Planning and Evaluation, U.S. Department of Health and Human Services, <https://aspe.hhs.gov/topics/poverty-economic-mobility/poverty-guidelines>. For the year 2022, 200% of federal poverty guidelines (“FPG”) is \$27,180 for a household of one, and \$55,500 for a household of four. See Id. A chart showing different multiples of the poverty guidelines for 2022 is available on the U.S. Department of Health and Human Services’ website at [Guidelines-2022.pdf \(hhs.gov\)](#)

For the year 2022, 60% state median income (“SMI”) is \$36,237 for a family of one and \$72,493 for a family of four. See New Hampshire State Median Income for FFY 2022, Office of the Assistant Secretary for Planning and Evaluation, Department of Health and Human Services <https://liheapch.acf.hhs.gov/profiles/povertytables/FY2022/nhsmi.htm>

Since 2018, the LIHEAP/FAP income limit in New Hampshire has been set at 60% of state median income pursuant to 42 USC § 8624(b)(2)(B). When the Commission created the Electric Assistance Program (EAP), the income limit was set at 150% of the federal poverty guidelines. See Order No. 23,573 (Nov. 1, 2000). As discussed in more detail below, the Commission has increased the maximum income limit for EAP over the years to align the income limit with the LIHEAP/FAP income limit. The Commission set the current EAP income limit to 60% of state median income in 2019.

Past Commission Orders Adjusting the Maximum Income Eligibility Level for EAP

Over the years, the Commission has referenced the LIHEAP/FAP Income Eligibility Limit when determining the appropriate income limit for EAP. While the LIHEAP/FAP statutes and regulations do not govern EAP, the Advisory Board through its recommendations and Commission through its orders have recognized that there are administrative efficiencies to setting the same income limit for EAP and FAP. See Order No. 23,573 (Nov. 1, 2000);

Order No. 26,321 (Dec. 26, 2019); EAP Advisory Board Recommendation, Dec. 4, 2019, DE 19-192, attached and *available at*

[19-192_2019-12-04_STAFF_EAP_ADVISORY_BOARD_REC.PDF \(nh.gov\)](#). In

addition to achieving administrative cost savings, aligning the income limits for both programs avoids potential confusion among households applying for both programs. The Community Action Agencies (CAAs) contract with the state to administer LIHEAP/FAP and contract with the utilities to administer EAP. The CAAs use a common application process for households applying for EAP and FAP.

When the Commission established a statewide EAP in 2000, it stated that the EAP income eligibility guidelines should be re-evaluated annually. Order No. 23,573 (Nov. 1, 2000) at 6. The Commission initially set the income limit at 150 percent of FPG. Id. In Order No. 24,329, the Commission raised the EAP income limit from 150 percent of FPG to 185 percent of FPG to “make the EAP consistent with the federal Fuel Assistance Program.” See Order No. 24,329 (May 21, 2004) at 6.

On March 4, 2011, the Commission issued Order No. 25,200 in response to EAP fund shortfalls associated with increased enrollment during the Great Recession which began in 2008. In that Order, the Commission eliminated tier 1, which provided a 5% discount to customers with household incomes between 176% and 185% of FPG.

On March 28, 2014, in Order No. 25,643, the Commission temporarily raised the maximum eligibility threshold from 175% of FPG to 200% of FPG. In its Order, the Commission recognized that “In support of these recommendations, the Advisory Board stated that increasing the income eligibility limit to 200% of the federal poverty guidelines would make the EAP eligibility level consistent with that of the federal Low Income Home Energy Assistance Program, known as the Fuel Assistance Program. Since the community action agencies that administer the EAP also administer the Fuel Assistance Program, the increase in income eligibility will streamline the application processes and eliminate customer confusion.” Order No. 25,643, p. 2.

On May 13, 2016, in Order No. 25,901, the Commission issued an order making the change of the maximum eligibility threshold to 200% FPG permanent. In its order, the Commission stated that “[t]he recommended modifications leave the EAP income eligibility at 200% of the federal poverty guidelines, keeping the EAP income eligibility level consistent with that of the federal Low Income Home Energy Assistance Program, known as the Fuel Assistance Program (FAP).” Order No. 25,901, p. 3.

On December 26, 2019, in Order No. 26,321, the Commission approved the Advisory Board’s recommendation to increase of the maximum income eligibility limit for EAP to 60% of state median income. *See* also EAP Advisory Board Recommendation, Dec. 4, 2019, DE 19-192, available at

[19-192_2019-12-04_STAFF_EAP_ADVISORY_BOARD_REC.PDF \(nh.gov\)](#).

The Commission stated that “[t]he Advisory Board explained that the Fuel Assistance Program, New Hampshire’s arm of the federal Low Income Home Energy Assistance Program, has an income eligibility threshold of 60 percent of NH SMI,” and that “[u]sing the same income threshold for the Fuel Assistance Program and EAP will better align the two programs, create further consistency between the programs, and eliminate confusion among those customers approved for the Fuel Assistance Program but not currently eligible for EAP.” Order No. 26,321, p. 3. The Commission further stated that “[t]he Advisory Board estimates that approximately 3,000 households qualified for the Fuel Assistance Program during the 2018-2019 program year but did not qualify for the EAP because of the EAP’s lower income eligibility threshold.” The Commission stated that the EAP Advisory Board’s “[p]rojections indicate that the recommended increase to the income eligibility threshold for the EAP would reduce the balance in the EAP fund by approximately \$241,000 over the first twelve months...” followed by “an annual reduction to the EAP fund of approximately \$303,000.” *Id.*

The Parties respectfully reserve the right to supplement this response with additional data about eligible households in New Hampshire at different income levels.

Response to Record Request 2

Date request received: 02/03/22 (Order 26,576)

Date of response: 03/01/22

Primary Respondents: update of EAP fund: —DOE;

remaining record request: “the Parties,” including Unitil Energy Systems, Inc. (UES), Public Service Company of New Hampshire d/b/a Eversource Energy, Liberty Utilities (Granite State Electric) Corp. d/b/a Liberty (Liberty), the New Hampshire Electric Cooperative (NHEC), LISTEN Community Services (LISTEN), the Community Action Agencies (CAA), the Office of the Consumer Advocate (OCA), and DOE.

Record Request 2:

Please provide an update of the \$3,785,789 balance in the EAP fund and an estimate (with all assumptions disclosed) of how likely the balance will be spent down during the current 2021-2022 12-month period.

Response:

As of January 31, 2022, the balance in the EAP fund held by the State Treasurer is \$3,996,824.

The EAP Advisory Board filed a recommendation with the Public Utilities Commission on June 16, 2021 requesting the Commission authorize the issuance of an RFP to:

...solicit competitive proposals for a review, analysis, and evaluation of existing program design of the Electric Assistance Program (EAP). The Advisory Board plans to use the results of the program review to develop recommendations for improving the effectiveness and efficiency of the EAP in fulfilling program goals and for prudently spending down a portion of the EAP fund in compliance with applicable law. The Advisory Board recommends that the program review include quantification of program participants whose electric bills fall outside the targeted 4% - 5% of income range used for eligibility, and exploration of the appropriateness and feasibility of expanding existing tiers or adding one or more additional tiers, ways to improve reporting to better manage the program, and other opportunities to assist more low-income electric customers consistent with applicable law.

Without a review, analysis, and evaluation of the existing program design of EAP as contemplated in the above-described RFP, the Parties are unable to provide the Commission with an estimate at this time regarding the likely spend down of the balance of the EAP fund within the current 2021-2022 program year. The Parties wish to be responsive. However, to provide the Commission with thoughtful and well-developed responses requires time and expertise beyond that immediately available to the Parties and presumably the EAP Advisory Board. Consistent with the Parties' *Joint Motion to Retain Consultant, Suspend the Docket and Approve Procedural Schedule*, the Parties seek additional time to investigate the items the Commission has identified.

Response to Record Request 3

Date request received: 02/03/22 (Order 26,576)

Date of response: 03/01/22

Primary Respondent: the Parties

Record Request 3:

Please provide a recommended adjustment to the EAP system benefits charge rate to bring the balance to \$1,000,000 or less at the end of the 2022-2023 12-month program period.

Response:

The EAP Advisory Board filed a recommendation with the Public Utilities Commission on June 16, 2021 requesting the Commission authorize the issuance of an RFP to:

....solicit competitive proposals for a review, analysis, and evaluation of existing program design of the Electric Assistance Program (EAP). The Advisory Board plans to use the results of the program review to develop recommendations for improving the effectiveness and efficiency of the EAP in fulfilling program goals and for prudently spending down a portion of the EAP fund in compliance with applicable law. The Advisory Board recommends that the program review include quantification of program participants whose electric bills fall outside the targeted 4% - 5% of income range used for eligibility, and exploration of the appropriateness and feasibility of expanding existing tiers or adding one or more additional tiers, ways to improve reporting to better manage the program, and other opportunities to assist more low-income electric customers consistent with applicable law.

Without a review, analysis, and evaluation of the existing program design of EAP, at this time the Parties are unable to provide the Commission with a recommended adjustment to the low-income portion of the system benefits charge designed to reduce the EAP fund balance to \$1,000,000 or less at the end of the 2022-2023 EAP program year. The Parties wish to be responsive; however, to provide the Commission with thoughtful and well-developed responses requires time and expertise. Consistent with

the Parties' *Motion to Approve EAP Advisory Board June 2021 Recommendation and to Suspend Hearing*, the Parties seek additional time to investigate the items the Commission has identified. Accordingly, to avoid potential disruption to the program until the required analysis can be completed, the Parties recommend that the system benefit charge not be adjusted at this time.

Response to Record Request 5

Date request received: 02/03/22 (Order 26,576)

Date of response: 03/01/22

Primary Respondent: DOE

Record Request 5:

Please provide copies of any recent audits of the EAP programs done by Energy audit staff.

Response:

Copies of the DOE audit reports for the 2017-2018 EAP program year (PY), 2018-2019 EAP PY, and the final report encompassing the 2019-2021 PYs are attached. See Attachments 5.1, 5.2, and 5.3.

Response to Record Request 6

Date request received: 02/03/22 (Order 26,576)

Date of response: 03/01/22

Primary Respondents: DOE, LISTEN, CAA

Record Request 6:

Please explain the relationship between the Fuel Assistance Program (FAP) and the EAP: how are costs shared between the FAP and EAP; how many participants are in the FAP and what amounts are proposed to be spent during the 2021-2022 program year; has management consolidation between the two entities been considered; and has a competitive analysis been done on administrative costs?

Response:

The Parties respectfully note that the Fuel Assistance Program (FAP) is not at issue in this docket; thus, this Record Request is irrelevant. Nonetheless, the following information is provided.

The Parties' response to Record Request 1 contains additional information that is responsive to this request.

The Low-Income Home Energy Assistance (LIHEAP) Program, which is known as the Fuel Assistance Program (FAP) in New Hampshire, is a federal program that is administered by the NH Department of Energy (DOE). 42 U.S.C. §§ 8621-8630; RSA 12-P:7. Prior to the creation of the DOE, the Office of Strategic Initiatives (OSI) administered LIHEAP/FAP in New Hampshire. The program is funded by federal dollars through the U.S. Department of Health and Human Services. The laws governing LIHEAP/FAP are codified in the United States Code at 42 U.S.C. §§ 8621-8630. The federal regulations governing LIHEAP/FAP are codified at 45 C.F.R. Part 76 and 45 C.F.R. 96.

LIHEAP/FAP assists eligible households with heating costs during the winter (November to April) through one-time grants that currently range from \$253 to \$2,520 for program year 2021-2022 depending on a household's income and energy costs. See Governor Sununu's Nov. 18, 2021 Press Release, "State Increases Benefits To Help Home Heating Costs" available at <https://www.governor.nh.gov/news-and-media/state-increases-benefits-help-home-heating-costs> (last accessed Feb. 25, 2022). In certain situations, households may receive a supplemental, emergency grant to avoid a heating emergency.

The Commission created an Electric Assistance Program (EAP) in 2000 via Order No. 23,573. The EAP is funded through the system benefits charge and provides a monthly bill discount to eligible customers that applies to the first 750 kWh of electricity used per month. There are five discount tiers that range from 8% to 76%.

Prior to the creation of the DOE, the Commission Staff administered EAP.

EAP and LIHEAP/FAP are separate programs with different eligibility requirements that are governed by separate laws and funded through different sources. However, the Community Action Agencies (CAAs) administer both programs. As discussed in the Parties' response to Record Request 1, the CAAs use a common application process for both programs. Over time, the Commission has aligned the EAP income limit with the LIHEAP/FAP income limit to achieve administrative efficiencies and to avoid customer confusion. *See* Parties' response to Record Request 1. Many households are eligible for both EAP and FAP. However, aside from the maximum income limit, the eligibility requirements are different for each program so some households only qualify for one program or the other. While the CAAs leverage their existing resources to more efficiently administer both programs, there is no requirement that they do so or that the programs share resources.

Since the CAAs administer both programs, there are administrative efficiencies and cost savings that would not be possible if the programs were administered by separate agencies. For example, the CAA's use a common application, which reduces the costs that would be needed to create and print separate applications for each program. In addition, both programs can contribute funding to joint outreach efforts since eligible households apply for both programs via a common application submitted to the same agency.

The CAAs can also save costs by using one software system to administer both programs. If LIHEAP/FAP funds were not also used to pay for the joint software system, EAP funds would have to cover the full cost of a separate software system. The Parties anticipate that the software system will need to be updated soon. When the software system is updated and an online application is created, the Parties expect that both programs will contribute funding to cover the costs. If the programs were not administered by the same agencies, separate software programs and separate online applications would be needed.

In program year 2020-2021, LIHEAP/FAP certified 24,308 applications. *See* [Fuel Assistance Program Highlights](#), NH Dept. of Energy. Program year 2021-2022 data is not publicly available at this time. For program year 2021-2022, New Hampshire received an annual appropriation of \$25.2 million in LIHEAP/FAP funds. *See* White House Jan. 7, 2022 Press Release, "[Biden Administration Announces State-By-State Funding to Address Home Energy Costs](#)" (including description of funding for each state/territory). Congress also allocated an additional \$35.5 million in LIHEAP/FAP funds through the American Rescue Plan signed into law on March 11, 2021. *See* May 4, 2021 U.S. Office of Community Services [LIHEAP Dear Colleague Letter](#). These funds could be used in fiscal years 2021 or 2022 but must be obligated by September 30, 2022. *Id.*

The Parties respectfully request clarification from the Commission about two questions in this Record Request: 1) "has management consolidation between the two entities

been considered” and 2) “has a competitive analysis been done on administrative costs.” The Parties seek clarification about what the Commission means when it references “two entities,” “management consolidation,” and “a competitive analysis.” The Parties have provided examples in this response of the administrative efficiencies and cost savings that result from the fact that the CAAs administer both programs. In addition to the examples above, the CAAs have the flexibility to use some of the same staff members to administer both programs. As a result, some funding from both programs can be used to cover staff costs when appropriate. *See generally* CAA Budget PY 21/22 listing breakdown of costs by employee for time spent on EAP.

It is also worth noting that when the Commission created the EAP in 2000, the CAAs were the sole respondents to the request for proposals issued by the Commission to select a program administrator. *See* Order No. 23,573 at 2. At the time, the Commission directed its Staff and the CAAs to work with the state agency that was responsible for administering LIHEAP, the Office of Energy and Community Services, in order to manage some aspects of the program. *See* Order No. 23,573 at 5. The Commission justified this decision, in part, on the basis that the Office of Energy and Community Services was responsible for LIHEAP and could leverage existing LIHEAP systems to help manage and oversee the EAP. In other words, from the beginning of the EAP, the Commission recognized there are efficiencies and cost savings to be achieved by coordinating between the two programs when possible.

Prior to the creation of the DOE in 2021, the Commission Staff administered EAP and OSI administered LIHEAP/FAP. Since the legislature created the DOE, both programs are now administered by the same state agency. However, the Parties respectfully note that the Commission does not have jurisdiction over LIHEAP/FAP, and any order issued in this docket cannot impact the LIHEAP/FAP state plan that is approved by the U.S. Department of Health and Human Services, the LIHEAP/FAP budget, or the LIHEAP/FAP contracts with the CAAs.

Response to Record Request 7

Date request received: 02/03/22 (Order 26,576)

Date of response: 03/01/22

Primary respondent: the Parties

Record Request:

When there is no EAP waiting list, a \$3.9 million balance, and a \$1 million statutory limit, how does the Advisory Board intend to reduce the existing balance?

Response:

Based on a review of past dockets and EAP Advisory Board recommendations, the Parties note that the EAP Advisory Board regularly reviews the EAP fund balance and considers potential actions that would reduce the existing balance of the EAP fund. See, for example, EAP Advisory Board Recommendation filed on December 4, 2019, in Dkt. No. DE 19-192. Most recently, the EAP Advisory Board filed a recommendation with the Public Utilities Commission on June 16, 2021, requesting the Commission authorize the issuance of an RFP. According to that recommendation, the purpose of that RFP was to:

...solicit competitive proposals for a review, analysis, and evaluation of existing program design of the Electric Assistance Program (EAP). The Advisory Board plans to use the results of the program review to develop recommendations for improving the effectiveness and efficiency of the EAP in fulfilling program goals and for prudently spending down a portion of the EAP fund in compliance with applicable law. The Advisory Board recommends that the program review include quantification of program participants whose electric bills fall outside the targeted 4% - 5% of income range used for eligibility, and exploration of the appropriateness and feasibility of expanding existing tiers or adding one or more additional tiers, ways to improve reporting to better manage the program, and other opportunities to assist more low-income electric customers consistent with applicable law.

Without the benefit of a consultant's review, analysis, and evaluation of the existing program design of EAP and the Advisory Board's evaluation of the consultant's findings, the Parties are unable to opine on how to reduce the existing balance. However, in addition to the costs of the consultant review reducing the balance, it is likely that the consultant will recommend changes to the program design that will require expending money from the EAP fund. The amount of those expenses will depend upon the nature and scope of the recommendation.

In addition to the outstanding review, analysis and evaluation of the existing program design and the Advisory Board's evaluation of the consultant's findings, the software which supports the EAP is 20 years old and at the end of its life. The EAP shares software with the federal Low-Income Home Energy Assistance Program, LIHEAP. EAP must coordinate with the state administrator of LIHEAP, which is now the Department of Energy, to issue an RFP for the development of new software. The process to develop that RFP has just begun.

Response to Record Request 8

Date request received: 02/03/22 (Order 26,576)

Date of response: 03/01/22

Primary respondent: the Community Action Agencies (CAA)

Record Request 8:

Regarding the EAP: can you confirm that participants must re-enroll actively each year; what happens if a participant moves; and does a participant have to live in NH year-round?

Response:

Certification & Enrollment

Participants are eligible if they are a renter or homeowner who receives an electric bill from the following utility companies, Eversource Energy, Liberty Utilities, New Hampshire Electric Cooperative, and Until. Additionally, participants need to meet income guidelines.

Participants who are 65 years of age or older and in whose households all members are 65 years of age or older and live on a fixed income are certified as eligible for the Electric Assistance Program (EAP) for a 24-month period. For all other participants, the certification period is 12 months. Accordingly, with exceptions noted, EAP participants must re-enroll “actively” every twelve months. CAA assumes that “reenroll actively” means a customer of record must demonstrate that he or she is (still) eligible for the program with updated paperwork.

When found eligible, each EAP case is automatically assigned a unique identifier for the customer of record. The unique identifier is used in all correspondence and in the notification to the utilities. This unique identifier remains constant while the customer of record is enrolled in the EAP, even if the utility from which the customer of record is taking service changes.

On a technical level, when a customer is found eligible, the CAA notifies the Utility that the customer has been enrolled in EAP via a transmission from the EAP system. The enrollment notification includes the customer of record’s name; service address; utility account number; unique identifier; the appropriate tier discount the participant should be assigned to; and whether this enrollment is a new one or a recertification. If the design of the program allows for the payment of pre-program arrears, the CAA shall also notify the

Utility of whether or not the participant is eligible for this benefit, through the pre-program arrears indicator. However, the pre-program arrears component has been suspended since 2005. *See* Order No. 24,542 (Nov. 4, 2005).

Re-certification No later than the end of the certification period, or earlier if the household is applying for another program at a CAA and will benefit from applying at the same time, all EAP participants are assigned a new EAP case number for each 12- or 24-month period in which that participant receives benefits (known as the Participant Program Year).

At the time of re-certification, the CAAs re-examine the participant's income and household status to ensure continued compliance with program eligibility. To re-certify a participant's eligibility, the CAA requires updated income verification documents from the participant. During the re-certification process, a participant's discount tier and eligibility are also re-examined based on changes in the participant's circumstances as well as any changes to the program criteria. The CAA makes adjustments to the participant's enrolled application, as necessary. Changes in eligibility or discount tier are communicated to the utility via transmissions from the EAP system.

The CAAs send out reminder letters to participants 45 days before the end of their certification period notifying them that their certification shall be expiring. The reminder letter provides instructions on how to re-certify and what documentation is needed for the process. The CAAs also call participants approximately 15 days before the end of the certification period if the participant has not re-certified.

Participants must have a scheduled appointment with the CAA or have an application in process on or before the end of their 12- or 24-month certification period in order to remain eligible. In the event that a participant fails to re-certify or is denied re-certification, the CAA must send a Customer Removal Notification transaction to the utility no more than ten business days after the participant's certification period has expired. The CAA also notifies the participant in writing of the removal from the program within 10 business days of the decision. Provided that funds are available, there shall be no interruption of benefits during the re-certification process for EAP participants who continue to meet the eligibility criteria for the program. If at the time of recertification, program funds are not available, the participant may be recertified onto the Wait List. Participants who are determined to be

ineligible during the re-certification period are removed from the program. Participants who fail to re-certify are also removed from the EAP.

Participant Relocation (Moves) In order to continue receiving EAP benefits after a move or relocation, it is the client's responsibility to contact their local CAA to provide the information necessary to continue program benefits. This information may include original address; new address; original utility account number; and new utility account number. While this responsibility lies primarily with the customer, other participating EAP agencies, utilities or Parties may assist in the collection and forwarding of this "move" information insofar as that is practical. When a participant moves from their current address, one of the following procedures shall be followed.

Within the Same CAA and Same Utility

If a participant moves within the same CAA territory and re-establishes service with the same utility within a 30-day period they shall automatically be placed back within the discount tier that they were originally assigned for the remainder of the certification period. The utility shall notify the CAA of the new address and new account number. The CAA shall make, and communicate to the utility, appropriate changes to the enrolled application such as new address, and new utility account.

Within Same CAA to a Different Utility

If a participant moves within the same CAA territory and establishes service with a new utility, the participant shall notify the CAA. Upon notification, the CAA shall request a bill for the new utility account and shall make appropriate changes to the participant's enrolled application. These changes generate a new enrollment transmission to the new utility.

If a participant does not notify the CAA of a change in utility and the CAA receives a total of two consecutive transaction error reports on the participant from the old utility, the case shall be set to "withdrawn" by the EAP software. The CAA shall also de-obligate or remove the enrolled (now "withdrawn") application and send a Removal Letter to the participant, enclosing the EAP Appeals Procedures.

Move From One CAA Territory to a New CAA Territory – Same or Different Utility

If a participant moves from one CAA territory to another CAA territory and either reestablishes service with the same utility or establishes service with a new utility, the

participant is supposed to notify one of the CAAs or the utility (if the utility is not changing). If the participant notifies the utility of the move, then the utility shall notify the original CAA of the change of address and new account number. The original CAA shall make the changes to the address but NOT the account number, move the enrolled case to the new CAA, and notify the new CAA by email informing them that the case is being moved to their CAA. The new CAA shall complete the move transaction including changing the utility account number. (To retain eligibility the participant must re-establish service with the utility within 30 days from the date of the move).

If the participant notifies the original CAA and informs the original CAA that the participant is moving to a town in another CAA's territory and has new electric account information, the original CAA may collect all new account information and communicate this information to the new CAA. If the participant does not have the new account information, the original CAA shall instruct the participant to contact the new CAA as soon as the participant has established electric service at their new address.

When the participant contacts the new CAA, the new CAA requests the appropriate information from the participant and either continues the participant's discount at the same utility or enrolls the participant with the new utility.

The information above comes from the *New Hampshire Electric Assistance Program CAA Procedures Manual August 10, 2018*. See Attachment 8.1

Response to Record Request 9

Date request received: 02/03/22 (Order 26,576)

Date of response: 03/01/22

Primary Respondents: DOE

Record Request 9:

On June 16, 2021, the EAP Advisory Board filed a recommendation with the Commission to issue an RFP for a consultant to undertake a review, analysis, and evaluation of the EAP program design. The Advisory Board noted that the results of the program review would aid in the development of recommendations for improving the effectiveness and efficiency of the EAP in fulfilling program goals and for prudently spending down a portion of the EAP fund in compliance with applicable law. As of the date of this report, no action has been taking on the Advisory Board's recommendation.

Please describe in detail the concerns which led the Advisory Board to recommend the use of a consultant. Had a consultant been hired, what specific questions would the consultant have been expected to answer?

Response:

The Parties to this proceeding cannot speak for the Advisory Board. See [Rules of Governance of the New Hampshire Electric Assistance Program Advisory Board](#) (Adopted April 25, 2003) at 2 (“No member shall speak on behalf of the Advisory Board or its members without prior approval of the Advisory Board. To “speak on behalf of” means advocacy, policy recommendations, or stating positions and answering questions with respect to matters on which the Advisory Board has not taken a formal position or made a decision.”). However, from reviewing the text of the Recommendation, the Parties believe the recommendation of the Advisory Board sets out the Board’s reasons for requesting the Commission authorize the issuance of an RFP as well as the proposed scope of work. Please see Attachment 9.1 EAP June 16, 2021 Recommendation with transmittal email. Once the Commission approves or adopts the Recommendation, ideally as soon as possible, the RFP would be issued to commence the review described.

Response to Record Request 10

Date request received: 02/03/22 (Order 26,576)

Date of response: 03/01/22

Primary Respondent: DOE

Request 10:

EAP enrollment levels were relatively consistent between 2010 and 2016. Enrollment between 2017 and 2020 declined slightly over prior years. While 2021 enrollment remains lower than pre-2017 enrollment levels, the Community Action Agencies (CAAs) have projected increases in enrollment over the next few months as the Emergency Rental Assistance Program funding attracts more eligible households to the CAAs for assistance.

Did this happen? Please give current and projected EAP enrollment levels.

Response:

The Results and Effectiveness of the System Benefits Charge Annual Report sponsored by the Department of Energy and the Public Utilities Commission, and filed on October 1, 2021, with the Legislative Oversight Committee to Monitor the Transformation of Delivery of Electric Services stated, “Enrollment between 2017 and 2020 declined slightly over prior years. While 2021 enrollment remains lower than pre-2017 enrollment levels, the Community Action Agencies (CAAs) have projected increases in enrollment over the next few months as the Emergency Rental Assistance Program funding attracts more eligible households to the CAAs for assistance.”

The EAP enrollment levels have increased slightly since the *Results and Effectiveness of the System Benefits Charge Annual Report* was filed, although the reasons for the increase are unknown. Please see response to record request 4. There are no projected enrollment levels for EAP, and neither the CAAs nor the EAP Advisory Board have ever set projected enrollment levels. The above statement, taken from the October 1, 2021 report, reflected the opinion of the Community Action Agencies.

It is the Parties' understanding that the Community Action Agencies continue to process applications for the Emergency Rental Assistance Program (ERAP).¹ As benefits wind down for some recipients of the ERAP, the Community Action Agencies are again referring those households to the EAP. Given the volume of ERAP applications and the limited benefit period for ERAP, the CAAs anticipate enrollment in the EAP should rise.

¹ The Emergency Rental Assistance program provides financial assistance for New Hampshire renters who cannot pay their rent and utilities during the pandemic. The program works with tenants and landlords and is expected to be available through at least 2022. The state's five Community Action Partnership agencies accept and process applications for assistance. See [New Hampshire Emergency Rental Assistance - New Hampshire Housing \(nhhfa.org\)](https://www.nhhfa.org).

Response to Record Request 11

Date request received: 02/03/22 (Order 26,576)

Date of response: 03/01/22

Primary respondent: DOE

Record Request 11:

As of the end of August 2021, 17 percent of enrolled EAP households received a discount of 76 percent; 20 percent received a discount of 52 percent; 17 percent received a discount of 36 percent; 16 percent received a discount of 16 percent; and 30 percent of enrolled households received a discount of 8 percent.

Does this align with targeted participation? Please show a breakdown of program benefit dollars by tier over the past program year 2020-2021 and through present program year 2021-2022

Response:

Enrollment in the EAP is on a first come, first served basis, so long as there is sufficient funding to serve those who apply. As noted in the response to record request 10, the EAP does not have, and has never had, projected enrollment levels, nor does it have targeted enrollment levels by tier.

Tier 2 receives an 8% discount; tier 3 receives a 22% discount; tier 4 receives a 36% discount; tier 5 receives a 52% discount; and tier 6 receives a 76% discount.

Please note that the tier 1 discount bracket was eliminated by Commission Order No. 25,200 (March 4, 2011) in Dkt. No. DE 10-192.

The total benefits by EAP discount tier for the 2020-2021 program year (PY) and the 2021-2022 PY to date, i.e., October 1, 2021-January 31, 2022, is identified in the chart on the following page.

		Benefits			
Oct-20	tier 2	\$ 64,256.77		Jul-21	tier 2 \$ 77,178.04
	tier 3	\$ 96,571.16			tier 3 \$ 102,990.35
	tier 4	\$ 171,538.93			tier 4 \$ 182,977.17
	tier 5	\$ 260,694.70			tier 5 \$ 285,330.76
	tier 6	\$ 406,459.24			tier 6 \$ 431,331.52
Nov-20	tier 2	\$ 66,460.61		Aug-21	tier 2 \$ 78,142.55
	tier 3	\$ 99,428.26			tier 3 \$ 103,385.04
	tier 4	\$ 176,967.33			tier 4 \$ 184,843.22
	tier 5	\$ 269,915.91			tier 5 \$ 289,783.94
	tier 6	\$ 412,618.41			tier 6 \$ 437,494.09
Dec-20	tier 2	\$ 74,552.28		Sep-21	tier 2 \$ 80,884.96
	tier 3	\$ 108,739.94			tier 3 \$ 108,361.22
	tier 4	\$ 193,197.69			tier 4 \$ 192,495.23
	tier 5	\$ 292,934.77			tier 5 \$ 299,178.99
	tier 6	\$ 443,838.83			tier 6 \$ 460,579.03
Jan-21	tier 2	\$ 80,439.39		Oct-21	tier 2 \$ 68,670.14
	tier 3	\$ 113,622.18			tier 3 \$ 90,664.74
	tier 4	\$ 205,264.11			tier 4 \$ 160,420.30
	tier 5	\$ 309,534.39			tier 5 \$ 251,187.90
	tier 6	\$ 470,312.00			tier 6 \$ 392,408.36
Feb-21	tier 2	\$ 81,175.94		Nov-21	tier 2 \$ 71,874.12
	tier 3	\$ 111,428.45			tier 3 \$ 94,937.35
	tier 4	\$ 190,188.79			tier 4 \$ 169,327.85
	tier 5	\$ 303,456.72			tier 5 \$ 262,281.29
	tier 6	\$ 471,141.83			tier 6 \$ 405,165.19
Mar-21	tier 2	\$ 80,637.25		Dec-21	tier 2 \$ 83,640.28
	tier 3	\$ 110,455.98			tier 3 \$ 108,336.34
	tier 4	\$ 198,776.61			tier 4 \$ 192,544.66
	tier 5	\$ 304,709.19			tier 5 \$ 298,216.19
	tier 6	\$ 467,343.28			tier 6 \$ 457,743.98
Apr-21	tier 2	\$ 76,929.98		Jan-22	tier 2 \$ 92,828.83
	tier 3	\$ 104,474.06			tier 3 \$ 115,774.57
	tier 4	\$ 186,737.20			tier 4 \$ 206,523.98
	tier 5	\$ 285,354.88			tier 5 \$ 316,357.61
	tier 6	\$ 439,066.66			tier 6 \$ 495,289.42
May-21	tier 2	\$ 70,231.24			
	tier 3	\$ 93,033.63			
	tier 4	\$ 166,187.42			
	tier 5	\$ 254,851.78			
	tier 6	\$ 392,480.03			
Jun-21	tier 2	\$ 74,111.11			
	tier 3	\$ 98,275.87			
	tier 4	\$ 176,276.54			
	tier 5	\$ 271,700.34			
	tier 6	\$ 415,263.34			

Response to Record Request 12

Date request received: 02/03/22 (Order 26,576)

Date of response: 03/01/22

Record Request 12:

Primary respondent: DOE

Record Request 12:

Exhibit 12, Bates 32 shows that the average annual EAP benefit is \$400 per household. Please give an average per tier household benefit.

Response:

See the tables below for the average EAP discount by tier for the 2020-2021 program year (PY) and the 2021-2022 PY to date (October 2021 through January 2022). As stated above, Tier 2 receives an 8% discount, Tier 3 receives a 22% discount; Tier 4 receives a 36% discount Tier 5 receives a 52% discount and Tier 6 receives a 76% discount. The tier 1 discount bracket was eliminated by Commission Order No. 25,200 (March 4, 2011) in Dkt. No. DE 10-192.

PY 2020 – 2021

Avg. PY Benefit by Tier		
tier 2	\$	98.03
tier 3	\$	256.39
tier 4	\$	410.08
tier 5	\$	575.41
tier 6	\$	963.20

PY 2021-2022

Avg. PY Benefit by Tier*		
tier 2	\$	103.90
tier 3	\$	272.13
tier 4	\$	437.25
tier 5	\$	611.16
tier 6	\$	1,026.35

*October 2021 – January 2022