



DRA

*Division of Ratepayer Advocates
California Public Utilities Commission*

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VIA ELECTRONIC MAIL

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Attn: Director, Energy Division, Room 4004
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Subject: Protest of DRA to San Diego Gas and Electric's Advice Letter 2480-E /2194-G

The Division of Ratepayer Advocates (DRA) protests San Diego Gas and Electric's (SDG&E) Advice Letter 2480-E/2194-G, submitted on May 14, 2013 (SDG&E Advice Letter), that updates income thresholds for two low income programs and publishes the current list of public assistance programs that are used to establish eligibility for the California Alternative Rates for Energy (CARE) program. Specifically, DRA is concerned that the program guidelines for the CARE program attached to the SDG&E Advice Letter fail to inform customers that they are not required to provide income information during enrollment, but instead, are entitled to enroll in these programs solely on the basis of categorical eligibility.

Background

The CARE eligibility standards are adjusted annually. The Commission, in Resolution E-3524, directed the Energy Division to communicate new eligibility income levels to the utilities on May 1st of each year. The Commission further required the Energy Division to direct the utilities to file revised tariffs effective June 1st of each year reflecting the new income levels. The Commission modified these instructions in Decision 12-08-044 by moving the due date earlier and including categorical eligibility programs.¹

¹ See D.12-08-044, Conclusions of Law Nos. 112, 113, 114, 157, 158 and Ordering Paragraphs Nos. 88 and 119.

On April 1, 2013, Energy Division released income eligibility limits for the CARE and Energy Savings Assistance (ESA) programs based on the 200% Federal Poverty Guidelines (FPG). Additionally, Energy Division published the list of public assistance programs that provide an enrollment alternative, *i.e.*, categorical eligibility, for low income participants.² Energy Division requested that utilities update the CARE/FERA forms and tariffs for the June 1, 2013 to May 31, 2014 period by May 14, 2013.³

The CPUC allows customers to qualify for CARE in one of two ways. Customers may qualify by meeting an income threshold or by indicating that they participate in a CPUC-approved, low-income program.⁴ Yet SDG&E's new instructions for enrollment do not mention that customers may enroll in CARE solely on the basis of categorical eligibility, that is, without providing any information regarding their income.⁵ The instructions are not consistent with the CARE application form, which includes a list of categorical eligibility programs and indicates that the applicant may skip the income-related questions if they complete the categorical eligibility section of the application.

Protest

SDG&E CARE enrollment guidelines do not clearly inform customers that they may qualify solely on the basis of categorical eligibility. The SDG&E instructions may discourage enrollment of households who easily qualify for CARE through categorical eligibility.

In fact, contrary to applicable requirements, which, as noted, provide that customers may enroll in CARE solely on the basis of categorical eligibility, SDG&E's Program Guidelines for its CARE Program Application for Residential Customers state

² Presenting both the revised income limits and Categorical Eligibility programs was directed by D.12-08-044, at p.395, Ordering Paragraph No. 88(b)(ii), August 23, 2012.

³ CPUC, Energy Division, *Notice to all Investor owned and small multi-jurisdictional owned utilities providing service under California Alternative Rates For Energy (CARE), Family Electric Rate Assistance (FERA), and Energy Savings Assistance (ESA) Programs*, April 1, 2013.

⁴ See D.02-70-033, at pp. 32-33 mimeo, and D.06-12-038, Ordering Paragraph No. 21.

⁵ In 2002, the Commission expanded the CARE eligibility standard to include "automatic enrollment" (Categorical Eligibility) of selected public assistance programs "...either if the household meets the current CARE eligibility criteria, or when the household participates in one of our 'automatic' enrollment partner programs." See D.02-70-033, at pp.32-33; Finding of Fact Nos. 22-23; Ordering Paragraph No. 6.

If you or a member of your household meets the CARE guidelines and participates in certain public assistance programs, you may simply indicate which program(s) in part 2A of the application.⁶

The guidelines do not clearly state that customers enrolling by categorical eligibility (indicating eligibility through participation in a public assistance program) are not required to provide any income information. In contrast, Southern California Gas' (SCG) program instructions and forms, also required by Energy Division (Advice Letter 4492-G), comply clearly with the Commission's directive in D.02-70-033, D.06-12-038, and D.12-08-044. More specifically, SCG's program guidelines provide clarity by the following phrase: "How To Qualify: Public Assistance Programs OR Maximum Household Income."

Conclusion

DRA requests that the Commission require SDG&E to revise their CARE enrollment guidelines (both paper and online) to indicate clearly that customers may enroll in the CARE program by providing either program participation or income information. SDG&E should use SCG's enrollment guidelines as an example.

Sincerely,

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cc: Ed Randolph, Director for Energy Division
Megan Caulson, SDG&E
Jonathan Knapp, DRA
Service List for A.11-05-017

⁶ SDG&E Advice Letter 2480-E/2194-G , May 14, 2013, CARE/FERA Program, p.12 (Residential Rate Assistance Program, Form 142-732.)