



DRA

*Division of Ratepayer Advocates
California Public Utilities Commission*

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VIA ELECTRONIC MAIL

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Subject: Protest of DRA to Southern California Edison's Advice Letter 185-G/2900-E

The Division of Ratepayer Advocates (DRA) protests Southern California Edison (SCE) Advice Letter 185-G/2900-E, submitted on May 14, 2013 (SCE 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 SCE 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 SCE'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

SCE's CARE enrollment guidelines do not inform customers that they may qualify solely on the basis of categorical eligibility. The SCE form 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, SCE's Program Guidelines for its CARE Program Application for Residential Single-Family Customers states the opposite – that customers must refer to the Maximum Household Income Chart in order to enroll in these programs. More specifically, SCE's Program Guidelines provide,

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.

See if you qualify and enroll today. It's easy. Check inside for the CARE and FERA Program Income Guidelines.⁶

In contrast, Southern California Gas' (SCG) program instructions and forms, also required by Energy Division (Advice Letter 4492-G) comply 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 state, "How To Qualify: Public Assistance Programs OR Maximum Household Income."

Conclusion

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

Sincerely,

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Service List for A.11-05-017

⁶ SCE Advice Letter 185-G/2900-E, May 14, 2013, CARE/FERA Program (Single Family Dwelling with SCE Meter) Form 14-782.