



## **DRA**

*Division of Ratepayer Advocates  
California Public Utilities Commission*

**JOSEPH P. COMO**  
**Acting Director**

505 Van Ness Avenue  
San Francisco, CA 94102  
Phone: (415) 703-2381  
Fax: (415) 703-2057

<http://dra.ca.gov>

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### **VIA ELECTRONIC MAIL**

CPUC Energy Division  
ED Tariff Unit  
505 Van Ness Avenue, 4th Floor  
San Francisco, California 94102

Attn: Director, Energy Division, Room 4004  
E-mail: [EDTariffUnit@cpuc.ca.gov](mailto:EDTariffUnit@cpuc.ca.gov)

### **Subject: Protest of DRA to Pacific Gas & Electric's Advice Letter 3385-G/4224-E**

The Division of Ratepayer Advocates (DRA) protests Pacific Gas & Electric (PG&E) Advice Letter 3385-G/4224-E, submitted on May 14, 2013 (PG&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 California Alternative Rates for Energy (CARE) program. Specifically, DRA is concerned that both the program guidelines and the application forms for the CARE program attached to the PG&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.<sup>1</sup>

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<sup>1</sup> 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.<sup>2</sup> 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.<sup>3</sup>

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.<sup>4</sup> Yet PG&E's new forms 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. The CARE application form includes a list of categorical eligibility programs *after* the income-related questions, so that all CARE applicants are required (or believe they are required) to submit both income and program related information.

### **Protest**

PG&E's CARE enrollment form does not allow customers to enroll solely on the basis of categorical eligibility. Instead, the PG&E form requires all enrolling customers to provide information about household income first and then categorical program participation. Neither PG&E's guidelines nor its application form for the CARE program informs customers that they may enroll in the CARE program if they participate in one of the listed categorical eligibility programs without providing any information regarding their household income.

PG&E's application may mislead customers into believing that they must enter their income information even if they qualify for enrollment through categorical eligibility and may thereby 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, PG&E's Program Guidelines for its CARE Program Application for Residential Single-Family Customers states the opposite – that customers “must” provide income information in order to enroll in these programs. More specifically, PG&E's Program Guidelines provide,

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<sup>2</sup> 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.

<sup>3</sup> 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.

<sup>4</sup> See D.02-07-033, at pp.32-33; Finding of Fact Nos. 22-23; Ordering Paragraph No. 6, and D.06-12-038, Ordering Paragraph No. 21.

You *must* account for all sources of qualifying household income and meet the program income guidelines described in this application.<sup>5</sup>

In contrast, Southern California Gas' (SCG) program instructions and forms, also required by Energy Division (Advice Letter 4492), comply with the Commission's directives in D.02-07-033, D.06-12-038, and D.12-08-044.<sup>6</sup> SCG's program guidelines state, "How To Qualify: Public Assistance Programs OR Maximum Household Income." SCG and San Diego Gas and Electric Company (SDG&E) both print the word "or" on their application forms to inform customers that they may enroll in CARE by completing either program participation or income information on the utilities' respective forms. Further, Southern California Edison directs categorically eligible customers to "skip" the part of the application pertaining to income/income sources.

### **Conclusion**

DRA requests that the Commission require PG&E 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. PG&E should use SCG's enrollment guidelines and application form as an example.

Sincerely,

Michael Campbell

MICHAEL CAMPBELL, PM  
Electricity Pricing and Customer Programs Branch  
Division of Ratepayer Advocates

cc: Ed Randolph, Director for Energy Division

Dave Peck, DRA,  
Jonathan Knapp, DRA  
Brian K. Cherry, PG&E  
Service List for A.11-05-017

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<sup>5</sup> PG&E Advice Letter 3385-G/4224-E, May 14, 2013, CARE/FERA Program Application for Residential Single-Family Customers, Program Guidelines, Item No. 5 (italics added).

<sup>6</sup> See *supra* note 4.