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Sent: Wednesday, November 19, 2008 6:59 PM
To: utilitynetwork@smtp.cyways.com; energy@smtp.cyways.com
Subject: NCLC Energy: 4 great rulings from the MA DPU

Yesterday, the Massachusetts Department of Public Utilities issued an order and regulations in DPU 08-104. [Link to 08-104: <http://db.state.ma.us/dpu/gorders/frmDocketList.asp>]

The order favorably addresses 4 issues of great concern to low-income households:

1. The Department increased the income-eligibility for the low-income discounts offered by gas utilities to 60% of state median income ["SMI"], which is roughly 250% of the federal poverty level, mirroring the recently-announced increase in eligibility for fuel assistance to 60% of SMI. The DPU had decided a week or two earlier that the discounts for ELECTRIC customers had to increase to 60% SMI as a matter of state law, but added (in that earlier decision) that it had the discretion to increase the GAS discounts to 60%. In this just-announced decision, the DPU has exercised its discretion to increase the eligibility for GAS discounts as well. Thus, all companies (gas and electric) should be offering discounts to customers at or below 60% SMI.

NOTE, however, that the DPU is allowing gas companies to file for waivers from this new ruling, "for good cause shown". We know of at least one smaller gas company that serves a very poor territory and that will be seeking a waiver, likely arguing that so many people in its territory are eligible at 60% SMI that the cost of expanding the discount would be too great. We'll keep everyone posted how that turns out.

2. The DPU expanded the termination protection for households with an infant. Previously, the terminated service would only be restored if the termination had occurred while there was an infant in the home -- that is, the customer had not asserted the protection prior to the termination, so the company did not know there was an infant in the home when the termination occurred. The Department is now expanding this protection so that service will be restored "regardless of whether the nonpayment and resulting termination occurred prior to or after the birth of the infant."

3. The Department has expanded the termination protection for elderly households. Previously, EVERYONE in the household had to be 65 or older to assert the protection, which meant that seniors who took in a minor grandchild, minor relative or minor friend of the family would not be able to claim the protection. The protection has now been expanded so that if the elderly household is low-income and takes in a minor, the protection against termination will apply.

4. The termination protection for households with a serious illness has been improved in two ways. First, nurse practitioners and physician assistants can now certify the illness, as well as doctors. Second, serious illness letters now need only be renewed quarterly (rather than monthly), and if the illness is "chronic", need only be renewed every 6 months (rather than every three months).

As the DPU's order notes, many organizations and individuals offered comments and testimony to the DPU that contributed to this success: The Massachusetts Low-income Weatherization and Fuel Assistance Network; Massachusetts Energy Directors Association; MA Executive Office of Elder Affairs; and the Medical-Legal Partnership for Children.

If you have any questions, feel free to contact me directly.

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