

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE  
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March 5, 2014

**Advice Letter: 3452-G/4354-E**

Brian Cherry  
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Pacific Gas and Electric Company  
P.O. Box 770000  
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**SUBJECT: JOINT FILING SOCALGAS, SDG&E, PG&E, & SCE - ANNUAL SUBMISSION  
OF UPDATED LIST OF PROPOSED CATEGORICAL ELIGIBLE LOW INCOME  
PROGRAMS FOR THE UPCOMING YEAR IN COMPLIANCE WITH D.12-08-044**

Dear Mr. Cherry:

Advice Letters 3452-G/4354-E is effective as of March 3, 2014.

Sincerely,

A handwritten signature in cursive script that reads "Edward Randolph".

Edward Randolph  
Director, Energy Division



**Rasha Prince**  
Director  
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January 31, 2014

**Advice 4600-G**

(Southern California Gas Company U 904 G)

**Advice 2570-E/2265-G**

(San Diego Gas & Electric Company U 902 M)

**Advice 3452-G/4354-E**

(Pacific Gas and Electric Company U 39 M)

**Advice 2998-E**

(Southern California Edison Company U 338 E)

Public Utilities Commission of the State of California

**Subject: Annual Joint Tier 2 Advice Letter Submitting Updated List of Proposed Categorical Eligible Low Income Programs for the Upcoming Year in Compliance with Decision 12-08-044**

Southern California Gas Company (SoCalGas), on behalf of itself, San Diego Gas & Electric Company (SDG&E), Southern California Edison Company (SCE), and Pacific Gas and Electric Company (PG&E) (together the "Investor Owned Utilities", or "IOUs") hereby submit this Tier 2 Advice Letter (AL) as discussed below.

**Purpose**

This joint filing complies with Ordering Paragraph (OP) 88(b) of Decision (D.) 12-08-044 stating that by January 31<sup>st</sup> of each year, the IOUs "are directed to jointly and annually review and submit, by Tier 2 Advice Letter, an updated list of proposed categorical eligible low income programs for the upcoming year."<sup>1</sup>

**Background**

Current enrollment for both the California Alternate Rates for Energy (CARE) and Energy Savings Assistance (ESA) Programs is permitted through income eligibility or through categorical eligibility where participation in certain other low income programs provides customers with an alternative/convenient means of enrollment (as authorized in D.06-12-038). In D.12-08-044, the California Public Utilities Commission (Commission) directed the IOUs to jointly review and submit, on an annual basis, a list of proposed categorically eligible low

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<sup>1</sup> D.12-08-044, p. 395.

income programs with income thresholds consistent with the CARE and ESA Programs. To initially comply with this directive (for 2013), the IOUs contracted with an independent consultant, ICF International (ICF), to perform a comprehensive assessment of the list of categorically eligible programs to determine alignment with CARE and ESA Program guidelines (specifically the household unit of measure, income thresholds, and income definitions). ICF also performed an assessment for other customer assistance programs for consideration in addition to the current statewide Categorical Eligibility list.

In a Joint AL filed by SoCalGas on behalf of the IOUs on January 31, 2013,<sup>2</sup> the ICF Study found that, of the list of 11 categorical eligible programs, only three programs were “*broadly aligned*” with the eligibility criteria. The IOUs proposed the following updated list of categorical eligible programs for Commission approval for 2013:

- CalFresh/Supplemental Nutrition Assistance Program (SNAP),
- National School Lunch Program (NSLP), and
- Women, Infants, and Children (WIC) program.

The IOUs also presented an alternative proposal: that the Commission retain the current list of categorical eligible programs, and permit the IOUs to determine whether the customer would be required to provide income documentation, or allow the customer to provide proof of enrollment in one of the categorical programs with an award letter or a comparable form of documentation.<sup>3</sup>

On February 20, 2013, the Office of Ratepayer Advocates (ORA)<sup>4</sup> and the Joint Consumers<sup>5</sup> filed protests to the IOU proposals. The IOUs filed a Joint Reply to the protests on February 27. On February 28, 2013, the Commission’s Energy Division (ED) suspended the AL for an initial 120 days pending further review.

On April 30, 2013, the ED rejected the Joint AL without prejudice because it determined that the Joint AL raised unforeseen policy issues requiring review in a formal proceeding. The disposition also rejected without prejudice the alternative proposal to retain the current list of categorical eligible programs, finding that the alternative proposal sought approval for a relief not previously authorized by D.12-08-044. The ED indicated that further procedural directives would be provided by the Administrative Law Judge (ALJ) thereafter.

On July 24, 2013, a Joint Second Amended Scoping Memo (ASM) and Ruling of Assigned Commissioner and the ALJ was issued. The ASM extended the schedule for Phase 2 of the proceeding to allow time to solicit comments and/or legal briefs on categorical eligibility and post-enrollment verification in the Commission’s low income programs. The ASM further noted the various options would require examination into the overall effectiveness of the impacts to the categorical eligibility program, and both enrollment and post-enrollment verification criteria, as well as budgetary and administrative impacts to the CARE and ESA Programs.

To date, the Commission has not yet initiated a formal proceeding to address the unforeseen policy issues related to categorical eligibility as identified in the ASM. The Legislature provided

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<sup>2</sup> SoCalGas 4457-G, SDG&E 2455-E/2170-G, SCE 2849-E, and PG&E 3361-G / 4186-E.

<sup>3</sup> SoCalGas Advice Letter 4457-G, p.7.

<sup>4</sup> Formerly known as the Division of Ratepayer Advocates.

<sup>5</sup> Joint Consumers is comprised of the following organizations: The Center for Accessible Technology, the Greenlining Institute, the National Consumer Law Center, and the Utility Reform Network.

additional direction in 2013 through Assembly Bill 327, which states the Commission may determine customers are categorically eligible if they are enrolled in programs with substantially the same income eligibility requirements.<sup>6</sup> The CPUC has not provided direction on how the new statute should be interpreted in a manner compatible with the income limitations that are set in statute at 200 percent of Federal Poverty Guidelines.

### **Discussion**

Each year, the ED issues a notice to the IOUs and the Small and Multi-Jurisdictional Utilities to update the revised income guidelines for CARE, the Family Electric Rate Assistance, and the ESA Program which become effective June 1<sup>st</sup> of each year. On April 1, 2013, the ED issued the notice to update the income guidelines effective June 1, 2013 – May 31, 2014. The notice also informed utilities that the list of categorical eligibility programs outlined in Attachment A of the letter are to remain in effect until further notice because the Commission had not yet addressed the outstanding policy issues related to categorical eligibility. The list of categorical programs included in Attachment A of the April 1<sup>st</sup> notice remain in effect, and the IOUs will continue to categorically enroll customers in the CARE and ESA Programs accordingly. A household can enroll in the programs by declaring that a member of the household receives benefits from one of the authorized government means-tested programs.

The current statewide list of categorical eligible programs is shown below.

- Bureau of Indian Affairs General Assistance
- CalFresh/Supplemental Nutrition Assistance Program (SNAP)
- CalWORKs/Temporary Assistance for Needy Families (TANF)
- Head Start Income Eligible (Tribal Only)
- Healthy Families A & B
- Low-income Home Energy Assistance Program (LIHEAP)
- Medicaid/Medi-Cal
- National School Lunch Program (NSLP)
- Supplemental Security Income (SSI)
- Tribal TANF
- Women, Infants, and Children Program (WIC)

A review of the current programs noted that, as of January 1, 2014, participants in Healthy Families were transitioned to Medi-Cal. The program is now known as “Medi-Cal for Families”. With the transition of Healthy Families to Medi-Cal, the IOUs recommend renaming Healthy Families A & B to Medi-Cal for Families A & B. The IOUs do not recommend any further changes to the list of categorical programs at this time.

The IOUs thus submit this AL to comply with OP 88(b), which is still in effect for 2014, while the Commission continues its review of the policy issues surrounding categorical eligibility and other Phase 2 issues. The IOUs understand the Commission finds it prudent to gather further information and stakeholder input prior to making changes to the categorical eligibility list due to the policy issues raised. Given that the policy issues will be examined in a yet-to-be-conducted Phase 2 of A.11-05-017 et. al., the IOUs request instructions regarding the list of categorical eligible programs before March 3, 2014 so the IOUs can file ALs in time to receive

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<sup>6</sup> AB 327 (Perea) Chaptered October 7, 2013 and effective January 1, 2014. Section 739.1(f)(1) reads in part, “The commission may determine that gas and electric customers are categorically eligible for CARE assistance if they are enrolled in other public assistance programs with substantially the same income eligibility requirements as the CARE program.”

approval and print forms by the June 1 effective date of the new program income eligibility guidelines.

### **Conclusion**

The IOUs continue to support the categorical eligibility and enrollment process and await directives from the Commission in order to retain the categorical eligibility process, and include programs with income thresholds that are consistent with the ESA and CARE Programs as contemplated by D.12-08-044.

### **Protests**

Anyone may protest this Advice Letter to the Commission. The protest must state the grounds upon which it is based, including such items as financial and service impact, and should be submitted expeditiously. The protest must be made in writing and received within 20 days of the date of this Advice Letter, which is February 20, 2014. There is no restriction on who may file a protest. The address for mailing or delivering a protest to the Commission is:

CPUC Energy Division  
Attn: Tariff Unit  
505 Van Ness Avenue  
San Francisco, CA 94102

Copies of the protest should also be sent via e-mail to the attention of Energy Division Tariff Unit ([EDTariffUnit@cpuc.ca.gov](mailto:EDTariffUnit@cpuc.ca.gov)). A copy of the protest should also be sent via both e-mail and facsimile to the address shown below on the same date it is mailed or delivered to the Commission.

#### **For SCG:**

Attn: Sid Newsom  
Tariff Manager - GT14D6  
555 West Fifth Street  
Los Angeles, CA 90013-1011  
Facsimile No. (213) 244-4957  
E-mail: [snewsom@SempraUtilities.com](mailto:snewsom@SempraUtilities.com)

#### **For SDG&E:**

Attn: Megan Caulson  
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#### **For SCE:**

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**Effective Date**

The IOUs believe that this filing is subject to Energy Division disposition and, as directed in OP 88(b) of D.12-08-044, is classified as Tier 2. The IOUs respectfully request this Advice Letter become effective March 3, 2014, which is the first business day following 30 calendar days after the date filed.

**Notice**

A copy of this advice letter is being sent to all parties listed on Attachment A, which includes the interested parties in A.11-05-018, et al.

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Rasha Prince  
Director - Regulatory Affairs

# CALIFORNIA PUBLIC UTILITIES COMMISSION

## ADVICE LETTER FILING SUMMARY ENERGY UTILITY

MUST BE COMPLETED BY UTILITY (Attach additional pages as needed)

Company name/CPUC Utility No. **SOUTHERN CALIFORNIA GAS COMPANY (U 904G)**

Utility type:

ELC

GAS

PLC

HEAT

WATER

Contact Person: Sid Newsom

Phone #: (213) 244-2846

E-mail: SNewsom@semprautilities.com

### EXPLANATION OF UTILITY TYPE

ELC = Electric

GAS = Gas

PLC = Pipeline

HEAT = Heat

WATER = Water

(Date Filed/ Received Stamp by CPUC)

Advice Letter (AL) #: 4600, et al.

Subject of AL: Annual Joint Tier 2 Advice Letter Submitting Updated List of Proposed Categorical Eligible Low Income Programs for the Upcoming Year in Compliance with Decision (D.) 12 08-044

Keywords (choose from CPUC listing): CARE

AL filing type:  Monthly  Quarterly  Annual  One-Time  Other

If AL filed in compliance with a Commission order, indicate relevant Decision/Resolution #:

D.12-08-044

Does AL replace a withdrawn or rejected AL? If so, identify the prior AL No

Summarize differences between the AL and the prior withdrawn or rejected AL<sup>1</sup>: N/A

Does AL request confidential treatment? If so, provide explanation: No

Resolution Required?  Yes  No

Tier Designation:  1  2  3

Requested effective date: 3/3/13

No. of tariff sheets: 0

Estimated system annual revenue effect (%): N/A

Estimated system average rate effect (%): N/A

When rates are affected by AL, include attachment in AL showing average rate effects on customer classes (residential, small commercial, large C/I, agricultural, lighting).

Tariff schedules affected: None

Service affected and changes proposed<sup>1</sup> See Advice Letter

Pending advice letters that revise the same tariff sheets: None

**Protests and all other correspondence regarding this AL are due no later than 20 days after the date of this filing, unless otherwise authorized by the Commission, and shall be sent to:**

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<sup>1</sup> Discuss in AL if more space is needed.

**ATTACHMENT A**

**Advice No. 4600, et al.**

**(See Attached Service List)**

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Anderson & Poole	G. A. Krause & Assoc.	Regulatory & Cogeneration Service, Inc.
BART	GenOn Energy Inc.	SCD Energy Solutions
Barkovich & Yap, Inc.	GenOn Energy, Inc.	SCE
Bartle Wells Associates	Goodin, MacBride, Squeri, Schlotz & Ritchie	SDG&E and SoCalGas
Braun Blasing McLaughlin, P.C.	Green Power Institute	SPURR
California Cotton Ginners & Growers Assn	Hanna & Morton	San Francisco Public Utilities Commission
California Energy Commission	In House Energy	Seattle City Light
California Public Utilities Commission	International Power Technology	Sempra Utilities
California State Association of Counties	Intestate Gas Services, Inc.	SoCalGas
Calpine	K&L Gates LLP	Southern California Edison Company
Casner, Steve	Kelly Group	Spark Energy
Cenergy Power	Linde	Sun Light & Power
Center for Biological Diversity	Los Angeles Dept of Water & Power	Sunshine Design
City of Palo Alto	MRW & Associates	Tecogen, Inc.
City of San Jose	Manatt Phelps Phillips	Tiger Natural Gas, Inc.
Clean Power	Marin Energy Authority	TransCanada
Coast Economic Consulting	McKenna Long & Aldridge LLP	Utility Cost Management
Commercial Energy	McKenzie & Associates	Utility Power Solutions
County of Tehama - Department of Public Works	Modesto Irrigation District	Utility Specialists
Crossborder Energy	Morgan Stanley	Verizon
Davis Wright Tremaine LLP	NLine Energy, Inc.	Water and Energy Consulting
Day Carter Murphy	NRG Solar	Wellhead Electric Company
Defense Energy Support Center	Nexant, Inc.	Western Manufactured Housing Communities Association (WMA)
Dept of General Services	North America Power Partners	
Division of Ratepayer Advocates	Occidental Energy Marketing, Inc.	