

**State of Minnesota
Before the Public Utilities Commission**

Katie Sieben	Chair
Valerie Means	Commissioner
Matthew Shuerger	Commissioner
Joseph Sullivan	Commissioner
John Tuma	Commissioner

In the Matter of an Inquiry into Actions by Electric
and Natural Gas Utilities in Light of the COVID-19
Pandemic Emergency

Docket No. E,G-999/CI-20-375

**Joint Comments of the Citizens Utility Board of Minnesota, the Legal Services Advocacy Project,
Energy CENTS Coalition, Minnesota Community Action Partnership, and Home LINE**

The Citizens Utility Board of Minnesota (“CUB”), the Legal Services Advocacy Project (“LSAP”), Energy CENTS Coalition (“ECC”), Minnesota Community Action Partnership (“MinnCAP”), and HOME Line (collectively, “Consumer Advocates”) respectfully submit these joint comments regarding the Minnesota Housing and Finance Agency’s (“MHFA”) request to prohibit utility disconnections for customers with a pending application for RentHelpMN in the Minnesota Public Utilities Commission (“Commission”) Docket No. E,G-999/CI-20-375.

CUB is a nonprofit organization that advocates on behalf of Minnesota consumers for clean, affordable, and reliable energy and utility services. LSAP represents the six regional civil legal services programs (Legal Aid) in Minnesota to advocate on behalf of low-income Minnesotans, elder Minnesotans, and Minnesotans with disabilities in administrative and legislative forums. ECC is a nonprofit organization that promotes affordable utility service for low- and fixed-income Minnesotans. MinnCAP, through member organizations located in communities across Minnesota, advocates at the state and federal level for policies that help build community resiliency, address the causes of poverty, and enhance financial stability. HOME Line is a nonprofit organization that provides free legal, organizing, educational and advocacy services to tenants throughout Minnesota.

In summary, the Consumer Advocates continue to agree that the problem underlying the MHFA petition warrants the Commission’s urgent attention. However, we also continue to believe the primary issue the Commission, MHFA and the utilities must collectively confront is not *whether* utilities should suspend disconnections for customers with pending or approved RentHELPMN applications (it seems all parties agree suspension of disconnections is warranted under these circumstances), but rather *how* to facilitate such consumer protections when the utilities cannot easily determine which of their customers have applied for RentHELPMN assistance. Amending the Commission’s prior order does not, alone, address this “how” problem. We appreciate the additional work MHFA has done, or has committed to doing, to help make more information about RentHELPMN applicants available to utilities. However, we continue to have some concerns and suggestions about how MHFA and utilities can best work together to ensure consumers with pending or approved RentHELPMN applications can avoid utility service disconnections.

I. Background

In our September 15, 2021 Joint Comments, we expressed our general support for suspending disconnections for those consumers who have applied for, and/or been deemed eligible to receive, RentHELPMN assistance. However, we also noted several concerns about how utilities will be able to implement that protection without additional transparency into MHFA's RentHELPMN application process. The utilities, commenting jointly, and the Minnesota Department of Commerce (the "Department") filed comments expressing similar concerns.¹

Subsequently, MHFA filed a letter proposing the following actions to help address our and others' concerns²:

In the short term, we plan to continue to hire processing staff including more with a specific focus on customer service to help answer questions and potentially troubleshoot specific applications. Over the longer term, we will explore options to work more closely with utility providers to verify pay due bill amounts.

[...]

In the short term, we plan to increase communication via more regular updates to our website and social media. We also recognize the need for a dedicated pathway for utilities to communicate with RentHelpMN staff. As such we are open to creating a dedicated RentHelpMN utility email address for utilities to use for specific issues. If beneficial, we will also organize a regular check-in call for utilities similar to what the Department of Commerce hosts for the LIHEAP program. Over the longer term, we will consider potential solutions to provide more direct and timely information for utility providers on specific applications.

[...]

In the short-term, Minnesota Housing plans to provide regular data to the utilities including at a minimum: applicant name, customer account number, customer address, RentHelpMN application status, and utility amount request as input by the applicant. This data will be provided to each regulated utility individually every week. Over the longer term, we will consider providing this data more often and to a greater number of utilities including municipal and cooperative utilities throughout the state.

[...]

In the short-term, Minnesota Housing will utilize Box.com or a similar secure online platform to share data directly with utilities about their customers. In the longer term, we will consider if and how utilities can provide data back to Minnesota Housing in order to help verify customer bills and expedite application processing and payment. This would likely require

¹ CenterPoint Energy Minnesota Gas, Greater Minnesota Gas, Inc., Minnesota Energy Resources Corporation, Minnesota Power, Excel Energy, Otter Tail Power Company, Great Plains Natural Gas Co. (collectively, "Joint Utilities"), Comments, Docket No. E, G-999/CI-20-375 (Sept. 15, 2021); Minnesota Department of Commerce, Comments, Docket No. E, G-999/CI-20-375 (Sept. 17, 2021).

² Minnesota Housing Finance Agency, Letter, Docket No. E, G-999/CI-20-375 (Sept. 23, 2021).

data sharing agreements and additional consent of applicants and will likely vary by utility provider.

The Commission subsequently issued a Notice of Comment Period to further address MHFA's original petition in light of the clarifications made in MHFA's September 23, 2021 letter.³

II. Discussion

1. The Commission should prohibit utility disconnections, until April 30, 2022, for utility customers who have a pending application or have been deemed eligible for RentHelpMN's utility arrears assistance.

As we noted in our prior comments, we certainly share MHFA's concern about the problem underlying its petition: we, too, believe renters with pending applications for RentHelpMN assistance should be protected from utility disconnections. Therefore, we believe it is appropriate for the Commission to require utilities to suspend disconnections for customers who have applied for or been deemed eligible to receive RentHELPMN assistance until April 30, 2022. However, because all of the MHFA's plans to communicate with utility companies are prospective, we do not believe that amending or issuing an order will, in and of itself, secure that protection. Further, for reasons we discussed in our prior comments, we believe there are challenges unique to the RentHELPMN application process that are not present in the LIHEAP/EAP application process. Therefore, if the Commission determines that an order is appropriate, we recommend that the Commission issue a new order rather than amending its May 26, 2021 Order. Doing so will provide the Commission more flexibility to address issues unique to RentHELPMN applicants that do not necessarily apply to consumers who have a pending application or have been deemed eligible for LIHEAP/EAP assistance.

2. The short-term solutions described by MHFA help, but do not fully resolve utilities' and other stakeholders' concerns about lack of access to RentHelpMN program information.

We appreciate MHFA's efforts to remedy the issues we and others identified in our prior comments, and their efforts to reach out to us to discuss those issues. The short-term steps MHFA identified in their September 23, 2021 Letter certainly help. However, we still have some lingering concerns.

First, the changes MHFA proposes are prospective, and we are not sure how soon they can be implemented. Meanwhile, we continue to receive calls from consumers facing disconnection, or who have been disconnected for days or weeks already, who are awaiting RentHELPMN assistance. The MFHA should implement its proposed short-term solutions as soon as possible in order to ensure utilities are able to understand which of their overdue customers have applied for and/or been deemed eligible to receive RentHELPMN assistance.

Second, though hosting weekly meetings and making weekly reports available to utilities will help, utilities will still need to engage in a manual process to check whether their customers have applied for/been deemed eligible to receive RentHELPMN assistance. In other words, it seems unlikely that MHFA and the utilities will have the time and resources to establish an automated process (similar to processes used to flag LIHEAP applicants) that allows the utilities to quickly identify RentHELPMN

³ Minnesota Public Utilities Commission, Notice of Comment Period, Docket No. E, G-999/CI-20-375 (Sept. 27, 2021).

applicants and divert those applicants to a different collections or account review process. Though we understand it may be impractical, if not impossible, to establish a more efficient, automated process, we think it is important for MHFA to continue to work with utilities to make that manual process as efficient as possible.

Further, in addition to our concern over the amount of time it takes to process RentHELPMN applications, we are also concerned about how quickly payments are actually delivered and processed by utilities once an applicant has been *approved* for RentHELPMN assistance. It is our understanding that RentHELPMN payments are currently being delivered to utilities by paper check, with one check issued for each utility customer deemed eligible for RentHELPMN assistance. As of September 30, 2021, MHFA has received 47,227 applications requesting \$283.07 million in assistance, \$15.7 million of which was specifically for utility payments.⁴ Many of those applications likely seek assistance for more than one utility bill, meaning for every approved application, multiple paper checks must be cut, mailed, and processed. This seems to us to be a very inefficient process. That said, we are also cognizant of the challenges MHFA faces in administering such a large program without having time or resources to establish a more efficient electronic payment system. To help address this problem, we recommend that MHFA consider proactively providing a daily report to utilities of customers *approved* for RentHELPMN that day. This will enable utilities to ensure such customers are protected from disconnection while having some certainty that payments for those customers are forthcoming.

Finally, we are concerned that focusing attention on the RentHELPMN process now may detract from focus on providing applicants with information about Cold Weather Rule (“CWR”) protections. Because consumers now only need to call their utility company and establish a payment plan to avoid disconnection, the CWR will likely provide more efficient and effective protection against service disconnection for many Minnesotans than RentHELPMN. (Though, as described below, the CWR may not help those customers struggling to establish or maintain a payment plan.)

3. MHFA should work with utilities to ensure MHFA provides information that is sufficient and timely enough for a utility to protect eligible customers from utility disconnection.

We defer to the utilities’ responses on whether MHFA’s proposal to provide information is sufficient and timely for a utility to protect eligible customers from utility disconnection. There is little we, as consumer advocates, can do to assist customers facing disconnection despite having pending RentHELPMN applications other than to inform them of existing protections and other assistance programs and to recommend they continue to communicate with their utilities and the MHFA about their situation and need for RentHELPMN assistance.

4. There are other issues and concerns that should be considered alongside MHFA’s petition.

In addition to the concerns raised above, there are a few other issues that we think the Commission should be aware of when evaluating this matter.

First, given that the Cold Weather Rule period has now begun (as of October 1, 2021) and extends through April 2022, the MHFA (and the Commission) should consider whether/how CWR protections accomplish MHFA’s goal in a more systematic and cost-effective manner than other strategies meant

⁴ MHFA, RentHELPMN Submitted Application, www.mnhousing.gov/renthelpmn-dashboard (Sept. 30, 2021).

to address the problem underlying MHFA's petition. At the very least, it is highly important that those applying for RentHELPMN assistance to address overdue utility bills be made aware of CWR protections. We continue to recommend that the MHFA include in all of their written communications information on CWR protections and LIHEAP/EAP. We also recommend the MHFA include in written communications contact information for CAP agencies (as well as all other local service providers that help facilitate RentHELPMN and/or LIHEAP/EAP assistance) and the Commission's Consumer Affairs Office.

Second, we think it is important for the Commission and parties involved to consider whether customers who experienced a disconnection prior to applying for RentHELPMN (and prior to the CWR period) should be *reconnected* upon submitting a RentHELPMN application, or upon being deemed eligible to receive RentHELPMN assistance. In our experience responding to consumer calls, some consumers are having trouble making even partial payments towards their overdue amounts to establish a payment plan. If they are unable to establish or adhere to a payment plan, they may lose CWR protections. However, if such customers are eligible for RentHELPMN assistance, we believe it would be in the public interest to require utilities to reconnect disconnected customers while their RentHELPMN payment is being processed. That said, it is our understanding that, during Phase 1 of the RentHELPMN process, Minnesotans can only apply for utility assistance if they also have back-owed rent. This could make this suggestion challenging if some Minnesotans have decided to forego paying utilities in order to keep current on rent payments, thereby making them ineligible for RentHELPMN assistance during this phase.

III. Conclusion

The Consumer Advocates appreciate the Commission's accelerated consideration of this issue and its continued efforts to ensure the health and well-being of Minnesota consumers. We also appreciate MHFA's efforts to address the issues we and others have identified, despite the challenging circumstances they face administering this large, new program. We continue to believe that with the appropriate level of transparency, it is both reasonable and in the public interest to extend disconnection protections to those Minnesotans eligible for federal Emergency Rental Assistance funding. Thank you for the opportunity to comment.

Sincerely,

October 4, 2021

/s/ Brian Edstrom

Brian Edstrom
Senior Regulatory Advocate
Citizens Utility Board of Minnesota
651-300-4701, ext. 6
briane@cubminnesota.org

/s/ Pam Marshall

Pam Marshall
Executive Director
Energy CENTS Coalition
651-774-9010
pam@energycents.org

/s/ Brandon Crawford

Brandon Crawford
Legal Intern
Citizens Utility Board of Minnesota
651-300-4701, ext. 7
brandonc@cubminnesota.org

/s/ Ron Elwood

Ron Elwood
Supervising Attorney
Legal Services Advocacy Project
651-222-3749
relwood@mnlsap.org

/s/ Eric Hauge

Eric Hauge
Executive Director
HOME Line
612-255-8863
erich@homelinemn.org

/s/ Bill Grant

Bill Grant
Executive Director
Minnesota Community Action Partnership
(651) 236-8574
billgrant@minncap.org

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Kristine	Anderson	kanderson@greatermngas.com	Greater Minnesota Gas, Inc. & Greater MN Transmission, LLC	1900 Cardinal Lane PO Box 798 Faribault, MN 55021	Electronic Service	No	OFF_SL_20-375_Official Service List
Gabriel	Chan	gabechan@umn.edu	University of Minnesota	130 Hubert H. Humphrey Center 301 19th Ave S Minneapolis, Minnesota 55455	Electronic Service	No	OFF_SL_20-375_Official Service List
Christopher	Clark	Christopher.B.Clark@xcelenergy.com	Xcel Energy	414 Nicollet Mall 5th Floor Minneapolis, MN 55401	Electronic Service	No	OFF_SL_20-375_Official Service List
Generic Notice	Commerce Attorneys	commerce.attorneys@ag.state.mn.us	Office of the Attorney General-DOC	445 Minnesota Street Suite 1400 St. Paul, MN 55101	Electronic Service	Yes	OFF_SL_20-375_Official Service List
Hillary	Creurer	hcreurer@allete.com	Minnesota Power	30 W Superior St Duluth, MN 55802	Electronic Service	No	OFF_SL_20-375_Official Service List
Bridget	Dockter	Bridget.Dockter@xcelenergy.com		N/A	Electronic Service	No	OFF_SL_20-375_Official Service List
Theodore T.	Eidukas	Theodore.Eidukas@wecenergygroup.com	MERC	N/A	Electronic Service	No	OFF_SL_20-375_Official Service List
Ron	Elwood	relwood@mnlisap.org	Mid-Minnesota Legal Aid	2324 University Ave Ste 101 Saint Paul, MN 55114	Electronic Service	No	OFF_SL_20-375_Official Service List
Jennifer	Frisbie	statewidecourtmediation@communitymediationmn.org	Community Mediation Minnesota	1029 22nd Ave. NE Minneapolis, Minnesota 55418	Electronic Service	No	OFF_SL_20-375_Official Service List
Bruce	Gerhardson	bgerhardson@otpc.com	Otter Tail Power Company	PO Box 496 215 S Cascade St Fergus Falls, MN 565380496	Electronic Service	No	OFF_SL_20-375_Official Service List
Bill	Grant	billgrant@minncap.org	Minnesota Community Action Partnership	MCIT Building 100 Empire Dr Ste 202 St. Paul, MN 55103	Electronic Service	No	OFF_SL_20-375_Official Service List

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Meghan K	Hassett	mhassett@ucsusa.org	Union of Concerned Scientists	1 N Lasalle Ave CHICAGO, IL 60602	Electronic Service	No	OFF_SL_20-375_Official Service List
Adam	Heinen	aheinen@dakotaelectric.com	Dakota Electric Association	4300 220th St W Farmington, MN 55024	Electronic Service	No	OFF_SL_20-375_Official Service List
Travis	Jacobson	travis.jacobson@mdu.com	Great Plains Natural Gas Company	400 N 4th St Bismarck, ND 58501	Electronic Service	No	OFF_SL_20-375_Official Service List
Jack	Kegel	jkegel@mmua.org	MMUA	3025 Harbor Lane N Suite 400 Plymouth, MN 55447-5142	Electronic Service	No	OFF_SL_20-375_Official Service List
Collin	Kremeier	ckremeier@otpc.com	Otter Tail Power Company	PO Box 496 Fergus Falls, MN 56538-0496	Electronic Service	No	OFF_SL_20-375_Official Service List
Allen	Krug	allen.krug@xcelenergy.com	Xcel Energy	414 Nicollet Mall-7th fl Minneapolis, MN 55401	Electronic Service	No	OFF_SL_20-375_Official Service List
Amber	Lee	Amber.Lee@centerpointenergy.com	CenterPoint Energy	505 Nicollet Mall Minneapolis, MN 55402	Electronic Service	No	OFF_SL_20-375_Official Service List
Annie	Levenson Falk	annielf@cubminnesota.org	Citizens Utility Board of Minnesota	332 Minnesota Street, Suite W1360 St. Paul, MN 55101	Electronic Service	No	OFF_SL_20-375_Official Service List
Pam	Marshall	pam@energycents.org	Energy CENTS Coalition	823 7th St E St. Paul, MN 55106	Electronic Service	No	OFF_SL_20-375_Official Service List

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Maria	McCoy	maria@ilsr.org	Institute for Local Self-Reliance	2720 E 22nd St. Minneapolis, MN 55406	Electronic Service	No	OFF_SL_20-375_Official Service List
Joseph	Meyer	joseph.meyer@ag.state.mn.us	Office of the Attorney General-RUD	Bremer Tower, Suite 1400 445 Minnesota Street St Paul, MN 55101-2131	Electronic Service	No	OFF_SL_20-375_Official Service List
Gregory C.	Miller	gmiller@dakotaelectric.com	Dakota Electric Association	4300 220th Street West Farmington, MN 55024	Electronic Service	No	OFF_SL_20-375_Official Service List
Darrick	Moe	darrick@mrea.org	Minnesota Rural Electric Association	11640 73rd Ave N Maple Grove, MN 55369	Electronic Service	No	OFF_SL_20-375_Official Service List
David	Moeller	dmoeller@allete.com	Minnesota Power	30 W Superior St Duluth, MN 558022093	Electronic Service	No	OFF_SL_20-375_Official Service List
Audrey	Partridge	apartridge@mncee.org	Center for Energy and Environment	212 3rd Ave. N. Suite 560 Minneapolis, Minnesota 55401	Electronic Service	No	OFF_SL_20-375_Official Service List
Jennifer	Peterson	jjpeterson@mnpower.com	Minnesota Power	30 West Superior Street Duluth, MN 55802	Electronic Service	No	OFF_SL_20-375_Official Service List
Kevin	Pranis	kpranis@liunagroc.com	Laborers' District Council of MN and ND	81 E Little Canada Road St. Paul, Minnesota 55117	Electronic Service	No	OFF_SL_20-375_Official Service List
Generic Notice	Residential Utilities Division	residential.utilities@ag.state.mn.us	Office of the Attorney General-RUD	1400 BRM Tower 445 Minnesota St St. Paul, MN 551012131	Electronic Service	Yes	OFF_SL_20-375_Official Service List
Delaney	Russell	mdelaneyrussell@gmail.com	Just Solar Coalition	4407 E Lake Street Minneapolis, MN 55407	Electronic Service	No	OFF_SL_20-375_Official Service List

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Garret	Senger	garret.senger@mdu.com	Great Plains Natural Gas Company	705 West Fir Ave PO Box 176 Fergus Falls, MN 56538-0176	Electronic Service	No	OFF_SL_20-375_Official Service List
Will	Seuffert	Will.Seuffert@state.mn.us	Public Utilities Commission	121 7th PI E Ste 350 Saint Paul, MN 55101	Electronic Service	Yes	OFF_SL_20-375_Official Service List
Richard	Stasik	richard.stasik@wecenergygroup.com	Minnesota Energy Resources Corporation (HOLDING)	231 West Michigan St - P321 Milwaukee, WI 53203	Electronic Service	No	OFF_SL_20-375_Official Service List
Kristin	Stastny	kstastny@taftlaw.com	Taft Stettinius & Hollister LLP	2200 IDS Center 80 South 8th St Minneapolis, MN 55402	Electronic Service	No	OFF_SL_20-375_Official Service List
Lynnette	Sweet	Regulatory.records@xcelenergy.com	Xcel Energy	414 Nicollet Mall FL 7 Minneapolis, MN 554011993	Electronic Service	No	OFF_SL_20-375_Official Service List
Jenny	Unknown	jenny@mrea.org	Minnesota Rural Electric Association	11640 73rd Ave N Maple Grove, MN 55369	Electronic Service	No	OFF_SL_20-375_Official Service List
Laurie	Williams	laurie.williams@sierraclub.org	Sierra Club	Environmental Law Program 1536 Wynkoop St Ste 200 Denver, CO 80202	Electronic Service	No	OFF_SL_20-375_Official Service List