

October 4, 2021

VIA E-FILING

Mr. Will Seuffert
Executive Secretary
Minnesota Public Utilities Commission
121 East Seventh Place, Suite 350
St. Paul, MN 55101-2147

*RE: 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
UTILITY COMMENTS*

Dear Mr. Seuffert:

The undersigned utilities (“Utilities”) respectfully file these comments in response to the September 27, 2021 Notice of Comment Period (“Notice”) issued by the Minnesota Public Utilities Commission (“Commission”), with an expedited comment closing date of October 4, 2021. The specific topics open for comments are:

- *Should the Commission extend some of the consumer protections granted in its May 26, 2021 Order by approving the clarified request by the MHFA to prohibit utility disconnections, until April 30, 2022, for utility customers only while they have a pending application or have been deemed eligible for RentHelpMN’s utility arrears assistance?*
- *Do the short-term solutions described by MHFA resolve utilities’ and other stakeholders’ concerns with lack of access to RentHelpMN program information, including application status, utility payments and payment timing, and programmatic updates?*
- *Is MHFA’s proposal to provide information sufficient and timely for a utility to protect eligible customers from utility disconnection?*
- *Are there other issues of concern that should be addressed?*

On September 9, 2021, Minnesota Housing Finance Agency (MHFA) filed a letter in the above-referenced docket requesting a change to the Commission’s May 26, 2021 Order, specifically Order Point 5, which states:

The Commission prohibits disconnections of customers with past due balances who have a pending application or have been deemed eligible for LIHEAP/EAP assistance for the duration of the transition period (April 30, 2022).

On September 15, 2021, the Utilities filed comments in response to the September 9, 2021 Notice of Comment Period issued by the Commission. Other parties have also commented in the record during this prior comment period, which was extended to September 23, 2021.

On September 23, 2021, MHFA filed a letter to clarify their request, included in part below, and responded to concerns brought forward by the parties and the Department of Commerce.

“Minnesota Housing would like to clarify that our request to suspend disconnections is meant to be for RentHelpMN applications where the applicants have applied for assistance to address utility arrears. We also would like to clarify that our request is meant to suspend utility disconnections through April 2022 only while the applicant has a pending RentHelpMN application. If the customer has a RentHelpMN application that has been resolved by either being denied or having the past due balances paid, we do not intend to limit credit activities for that renter through April 2022.”

The Utilities thank the commenters for their contributions to the record. The Utilities offer the following response on each of the topics posed by the Commission in the latest Notice.

Should the Commission extend some of the consumer protections granted in its May 26, 2021 Order by approving the clarified request by the MHFA to prohibit utility disconnections, until April 30, 2022, for utility customers only while they have a pending application or have been deemed eligible for RentHelpMN’s utility arrears assistance?

The Utilities see the value in RentHelpMN and believe it is an important program for our customers who are renters as they recover from the pandemic. The additional details shared about the program are appreciated and helpful. We are committed to working collaboratively on solutions and methods that will improve the transparency of the program and its delivery of aid to utility customers. However, as mentioned in the Joint Utility filing submitted on September 15, 2021, the MHFA program does not have the same steps, infrastructure, or processes that LIHEAP/EAP has established over time to maximize the program verifications and delivery. Further, the focus of RentHelpMN is on rental assistance, with utility assistance as a secondary benefit currently only available to those who are behind on their rent, based on the current phase of RentHelpMN. As such, the context is very different. Importantly, the Utilities had lead time to consider how they would comply with Order Point 5 proactively at the time this option was being considered and well before the protections would need to be in place for the transition period. This included adapting processes and system programming to ensure we could deliver on this commitment. Without this infrastructure and planning, and given the current state of the RentHelpMN program, we cannot support MHFA’s proposed modification. There is no concrete plan for addressing transparency, processes, and programming. We believe it would be premature for the Commission to modify Order Point 5 to extend protections that were very specifically granted for a well-established energy assistance program - LIHEAP. Further, it is important to consider the whole of the Order and related transition plans to recognize the range of protections already in place for customers, as opposed to any single Order Point. This, along with the time of year and statutory

protections such as Cold Weather Rule, provide for a robust set of provisions where customers can avoid disconnection while applications for potential assistance are being processed.

Do the short-term solutions described by MHFA resolve utilities' and other stakeholders' concerns with lack of access to RentHelpMN program information, including application status, utility payments and payment timing, and programmatic updates?

The modified proposal from MHFA is a step in the right direction, but the Utilities are concerned that the program does not have adequate mechanisms in place to ensure exemptions are properly granted. These processes and verifications are still in their infancy, with prospective or aspirational solutions proposed that would take considerable time and resources to put in place. The Utilities are working individually with MHFA to find options to verify an application has been made, the dollar amount, and the approximate payout timeframe. Of concern, is that the efforts to put these short-term solutions in place may actually distract from where efforts can help customers most – expediting processing timelines and getting dollars to aid customers distributed as quickly and efficiently as possible.

Is MHFA's proposal to provide information sufficient and timely for a utility to protect eligible customers from utility disconnection?

MHFA's proposal is not concrete and would take considerable time and effort to define and expedite. If the goal is customer protection from disconnections, these protections already exist for the vast majority of customers via the existing Cold Weather Rule protections, which began on October 1 and continue through April 30, 2022 – the same timeframe MHFA is requesting. The protections the Utilities committed to as part of their transition plans were designed to be complementary to the Cold Weather Rule, which stakeholders recognized would begin in the midst of transitions. Utilities remain committed to working with MHFA to find program reporting and verification solutions, but suggest that the Cold Weather Rule and the provisions under Order Point 2 already provide a strong pathway for customer protections for the duration of the transition period. An adjustment to Order Point 5 is not necessary or practical with the current state of the RentHelpMN program.

Are there other issues of concern that should be addressed?

The Utilities suggest that a focus on outreach and expedited processing of applications and payments would be in the best interest of customers in need. We also recognize Order Point 7 of the Commission's May 26, 2021 Order, which provides:

Utilities shall notify customers of available energy assistance programs and how to apply for assistance, including, but not limited to the Low-Income Home Energy Assistance Program (LIHEAP).

This Order Point requires us to notify customers of available assistance programs. Utilities believe this is a helpful vehicle to get customers in touch with RentHelpMN and the assistance it has

available. The Utilities will coordinate with RentHelpMN to ensure we have the correct messaging and will further promote RentHelpMN, along with other existing assistance programs.

As the Utilities continue to work with RentHelpMN, we believe it would be beneficial for RentHelpMN to provide monthly reporting in this docket on the number of customers and total utility assistance funds pending and paid until the program ends or reporting under this docket concludes, whichever is earlier. This reporting would provide important visibility into the magnitude and timing of program disbursements and how it correlates with current assistance programs. There should also be consideration of how RentHelpMN payments can be recognized as part of the monthly Cold Weather Rule reporting where the Utilities must report dollars received by energy assistance programs (LIHEAP) as well as dollars received from other sources. It is only through very recent conversations that the Utilities were provided details regarding how payments will be issued and to where, with more details to work through to ensure Cold Weather Rule reports are updated accordingly going forward. As referenced earlier, MHFA is still working through details regarding regular data reporting and a secure channel for sharing applicant information.

The Utilities thank MHFA for their continued collaborative engagement, and we look forward to continued discussions as the program and delivery processes develop.

Sincerely,

/s/ Amber Lee
Director, Regulatory Affairs
CenterPoint Energy Minnesota Gas

/s/ Kristine Anderson
Corporate Attorney
Greater Minnesota Gas, Inc.

/s/ Bridget Dockter
Manager, Policy and Outreach
Xcel Energy

/s/ Travis R. Jacobson
Director of Regulatory Affairs
Great Plains Natural Gas Co.

/s/ Richard F. Stasik
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Minnesota Energy Resources Corporation

/s/ David R. Moeller
Senior Attorney & Director of Regulatory
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Minnesota Power

/s/ Matthew Olsen
Manager, Regulatory Proceedings &
Compliance
Otter Tail Power Company

/s/ Adam Heinen
Vice President, Regulatory Services
Dakota Electric Association

cc: Service Lists

STATE OF MINNESOTA)
) ss
COUNTY OF ST. LOUIS)

AFFIDAVIT OF SERVICE VIA
ELECTRONIC FILING

Tiana Heger of the City of Duluth, County of St. Louis, State of Minnesota, says that on the 4th day of October, 2021, she served Joint Utility Comments in **Docket No. E,G-999/CI-20-375** on the Minnesota Public Utilities Commission and the Energy Resources Division of the Minnesota Department of Commerce via electronic filing. The persons on E-Docket's Official Service List for this Docket were served as requested.



Tiana Heger