

October 4, 2021

Will Seuffert  
Executive Secretary  
Minnesota Public Utilities Commission  
121 7<sup>th</sup> Place East, Suite 350  
Saint Paul, Minnesota 55101-2147

RE: **Comments of the Minnesota Department of Commerce, Division of Energy Resources**  
Docket No. E,G999/CI-20-375

Dear Mr. Seuffert:

On September 27, 2021, the Minnesota Public Utilities Commission issued a *Notice of Comment Period* seeking comment on the request by the Minnesota Housing Finance Agency (MHFA) for approval to prohibit utility disconnections, until April 30, 2022, for utility customers while they have a pending application or have been deemed eligible for RentHelpMN's utility arrears assistance.

Attached are the comments of the Minnesota Department of Commerce, Division of Energy Resources (Department) in this matter. The Department is available to answer any questions the Commission may have.

Sincerely,

Susan L. Peirce  
Rate Analyst Coordinator

SLP/ar  
Attachment



## Before the Minnesota Public Utilities Commission

### Comments of the Minnesota Department of Commerce Division of Energy Resources

Docket No. E,G999/CI-20-375

#### I. BACKGROUND INFORMATION

On September 9, 2021, the Minnesota Public Utilities Commission issued a *Notice of Comment Period* on whether it should approve the Minnesota Housing and Finance Agency's (MHFA) request to have applicants to its rental and utility assistance program RentHelpMN included in the list of programs protected from utility disconnection until April 30, 2022.

On September 15, 2021, comments were filed by Consumer Advocates<sup>1</sup>, Community Mediation Minnesota (CMM), Violence Free Minnesota (VFM), African Career, Education and Resource Inc. (ACER), a group of utilities and Dakota Electric Association<sup>2</sup>.

CMM serves as a Program Administrator to MHFA in administering financial assistance for rental, mortgage and utility assistance to low-income households. CMM, VFM and ACER all voiced support for the inclusion of MHFA's RentHelpMN program in the Commission's May 26, 2021 Order<sup>3</sup> for protection of utility disconnection until April 30, 2022.

The Consumer Advocates, utilities and Department are supportive of extending disconnection protection to applicants to the RentHelpMN program, but voiced concerns regarding the ability of utilities to verify applicants to MHFA's program. Utilities currently access information regarding Low Income Heating Assistance Program (LIHEAP) participants/applicants through the Department's eHeat portal. No such system is currently in place for the RentHelpMN program.

The utilities, Consumer Advocates and the Department requested MHFA provide additional information on how it will make application status available to the utilities for verification and to ensure applicants are not disconnected. In addition, all three parties requested MHFA provide additional information on how it will notify applicants of the availability of other assistance through the Energy Assistance Program (EAP), and the terms of protection offered by the Cold Weather Rule.

On September 23, 2021, MHFA filed a response to the concerns raised by parties.

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<sup>1</sup> Consumer Advocates include the Citizens Utility Board of Minnesota (CUB), the Legal Services Advocacy Project (LSAP), the EnergyCents Coalition (ECC) and HOME Line.

<sup>2</sup> CenterPoint Energy Minnesota Gas, Greater Minnesota Gas, Xcel Energy, Great Plains Natural Gas, Minnesota Energy Resources Corp, Minnesota Power, and Otter Tail Power Company. Dakota Electric Association (DEA) filed separate comments on September 10, 2021. DEA's comments were consistent with those voiced by the larger group of utilities, and is included in any reference made to the utility group position.

<sup>3</sup> *In the Matter of an Inquiry into Actions by Electric and Natural Gas Utilities in Light of the COVID-19 Pandemic Emergency*, ORDER ADOPTING BROAD TRANSITION PLAN PROPOSAL, SUSPENDING NEGATIVE REPORTING AND ESTABLISHING NOTICE AND COMMUNICATION REQUIREMENTS. Docket No. E999/CI-20-375, May 26, 2021.

## **II. SUMMARY OF MHFA's RESPONSE**

In its September 23, 2021 letter, MHFA clarified that its request to suspend disconnections is intended to apply only to applicants that have applied for assistance to address utility arrears, and is intended to apply only while the applicant has a pending RentHelpMN applications. MHFA states "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.

On the issue of establishing a process to inform utilities of applicants to the RentHelpMe program so disconnection activities can be suspended to April 30, 2022, MHFA states it plans to provide information on applicants including information that can verify their status to utilities on a weekly basis. In addition, MHFA states that over the longer term it will consider providing information on a more frequent basis and to a greater number of utilities, including municipal and cooperative utilities<sup>4</sup> throughout the state. MHFA also states that it provides applicants with a pre-qualification letter that they can give to their utility provider to prove that they have applied to the Program for Assistance. Finally, MHFA recognizes the need for data privacy practices and indicates it will use Box.com or a similar secure online platform to provide data to the utilities.

With respect to communications with applicants and the utilities, MHFA states it will update its website and program materials to provide additional information on EAP and the Cold Weather Rule (CWR). The Agency indicates it plans to update its communications platforms including its social media and website more frequently, is open to considering a dedicated person to address utility issues, and considering routine check-ins with utilities.

## **II. DEPARTMENT REPLY**

First and foremost, the Department wants customers to receive the assistance they need, and with the start of a new heating season upon us, to ensure that customers are not harmed.

The Department appreciates MHFA's response and their efforts to protect consumers from disconnection. The Department has several recommendations aimed at minimizing the opportunities for applicants to fall through the cracks and be inadvertently disconnected when they have a pending application with RentHelpMN.

In its letter, MHFA clarifies that it intends for applicants to have disconnection suspended from the time of their application to the Program through April 30, 2022, or the time period at which their past due balances are paid whichever comes first, and does not intend to limit credit activities once past due balances are paid. The Department notes that even with the repayment of past due bills, some customers will continue to struggle with ongoing payment of their utility bills, and therefore should be informed of the availability of LIHEAP assistance, and the protections afforded them under the CWR. To that end, the Department recommends MHFA include contact information for the Commission's Consumer Affairs Office for information on CWR protection, and for their local Energy Assistance

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<sup>4</sup> The Commission's Orders concerning disconnection of customers only apply to rate-regulated utilities.

Program service provider for information on applying for EAP assistance when it notifies customers that their application has been denied, or that the past due balance has been paid.

MHFA indicates it provides applicants with a pre-qualification letter that the applicant can provide to their utility as proof they have applied to the RentHelpMN program. The Department recommends the same contact information for the CAO and the local Energy Assistance Program service provider be provided to applicants in the pre-qualification letter with notice that these other programs are available for ongoing assistance.

MHFA states it intends to provide utilities with weekly reporting with the applicant information including at a minimum “applicant name, customer account number, customer address, RentHelpMe application status, and utility amount request”. The Department recommends MHFA work with parties to develop the reporting process and format, and identify how that information will be provided to utilities, and for MHFA to provide progress reports every 30 days, until the process is fully operational. In addition, the Department recommends MHFA designate contact person(s) who can answer questions from utilities, Consumer Advocates and the Department regarding verification of applications. The Department intends these added steps as a way of ensuring that RentHelpMN applicants are not inadvertently disconnected.

The Department appreciates MHFA’s response to the concerns raised by various parties and its efforts to provide assistance to renters in need. The Department’s recommendations are intended to further augment and protect Minnesotans struggling with the economic fallout of the COVID-19 pandemic.

### **III. DEPARTMENT RECOMMENDATIONS**

The Department recommends that the Commission grant MHFA’s request to have applicants to the RentHelpMe Program who are seeking assistance with past due utility bills protected from disconnection through April 30, 2022 conditioned upon MHFA agreeing to do the following:

- Include contact information for the Commission’s Consumer Affairs Office for questions about Cold Weather Rule protections, and the Energy Assistance Program service providers for information about and applications to EAP;
- Work with parties to develop the reporting process and format, and identify how that information will be provided to utilities, and to provide progress reports every 30 days, until the process is fully operational; and
- Designate a contact person(s) to respond to utilities, Consumer Advocates, the Department and the Commission’s Consumer Affairs Office;

## **CERTIFICATE OF SERVICE**

I, Sharon Ferguson, hereby certify that I have this day, served copies of the following document on the attached list of persons by electronic filing, certified mail, e-mail, or by depositing a true and correct copy thereof properly enveloped with postage paid in the United States Mail at St. Paul, Minnesota.

**Minnesota Department of Commerce  
Comments**

**Docket No. E, G999/CI-20-375**

**Dated this 4<sup>th</sup> day of October 2021**

**/s/Sharon Ferguson**

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
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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

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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
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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
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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
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