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U.S. Energy Information Administration
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Washington, DC 20585
[Filed via email to EIA112@eia.gov]

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Re: Comments on Agency Information Collection Proposed New Survey

Mr. Harnish,

We, the American Gas Association and the Edison Electric Institute, appreciate this opportunity to comment on the Energy Information Administration (EIA) Notice and Request for Comment: Agency Information Collection Proposed New Survey (Notice).¹ Collectively, we represent the companies that provide electricity to nearly 250 million customers and natural gas to nearly 74 million customers. EIA's request is made to "inform appropriate levels of budgetary support for various assistance programs across the United States," including energy assistance programs.²

Disconnecting customers is always an electricity or natural gas provider's last resort for dealing with unpaid bills. The Joint Commenters all are working with their members to add to the suite of flexible payment support programs that can be tailored to the needs of individual customers. These efforts include significant coordination with the Department of Health and Human Services (HHS) and state energy agencies.

While EIA's interest in providing analysis regarding the appropriate levels of budgetary assistance is well intentioned, the proposed information collection proposal may not effectively accomplish these goals and could provide misleading, inaccurate data at significant burden. Instead, EIA should consider effective

¹ Energy Info. Admin., *Agency Information Collection Proposed New Survey*, 89 Fed. Reg. 51,882 (June 20, 2024).

² *Id.* at 51,883.

alternatives to the current proposal, including leveraging the Low Income Home Energy Data that HHS already has available.

Electricity and natural gas providers already are working closely with HHS on data collection to inform joint efforts to identify and engage customers who are facing financial hardships. As explained in more detail below, these efforts also account for variables that impact monthly data, things such as moratoria that halt disconnections during the hottest and coldest months of the year, the times of year when college students are moving in and out of off-campus housing, and areas that have a high number of seasonal vacation homes.

A basic collection and reporting of the data on a monthly basis would lack this significant context that is captured through the work with HHS and the state agencies, and it would result in skewed data sets that ultimately would not help policymakers determine appropriate levels of funding.

Leveraging the work already being done through HHS would avoid the repetitive collection of data from existing activity surrounding the Low Income Home Energy Assistance Program (LIHEAP), reduce potentially burdensome participation requirements, and increase the accuracy of information available to EIA by working through existing channels with higher quality information. The comments below emphasize the Joint Commenters' continuing commitment to providing energy assistance to our customers, including descriptions of multiple programs that the Joint Commenters offer; note the Joint Commenters' continuing support for LIHEAP; and provide an alternative to EIA's proposal.

I. The Industry Remains Committed to Providing Energy Assistance to Our Customers

The Joint Commenters have the responsibility and obligation to provide uninterrupted, safe, and affordable service for human needs such as home heating and cooling and hot water, in accordance with applicable state law and regulatory requirements. Central to this charge is the effort to provide low-income customers with as many options as possible to help them pay their bills. The Joint Commenters know that reducing energy usage is difficult for many customers and, as a result, we continue to offer and expand a variety of potential solutions to help customers manage financial hardships. This includes flexible billing and payment support programs including, but not limited to:

- *Service Curtailment Moratoria*: Curtailing service disconnections on low-income and other vulnerable customers for the duration of the winter heating or summer cooling season.
- *Flexible Billing and Payment Plans*: Offering low-income customers a variety of billing adjustment programs, such as forgiving a portion of preexisting unpaid bills; bill assistance (percentage discounts, set dollar amounts, percentage of income payment plans, etc.); allowing bill balances to be paid over a longer period of time; and allowing eligible customers the option to choose their billing date in order to help with their overall monthly budget.

- *Increased Fuel Fund Support:* Operating, partnering on, or contributing to “fuel funds,” which are independent low-income home energy assistance programs that provide financial support to those experiencing energy poverty to supplement federal programs like LIHEAP and related state and local government assistance. In the case of utility-run fuel funds, it is common for company shareholders, executives, employees, and customers to contribute.
- *Enhanced Community Outreach:* Targeted advertising and outreach via the internet, television, radio, social media, print, direct-mail, text, email, and community outreach (food banks, churches, clinics, etc.) to low-income customers providing information about company low-income assistance programs, local fuel fund and charitable services, and LIHEAP sign up support.
- *Customer Targeting Research.* Using available market, income, and demographic data to define and better identify the needs of vulnerable populations to provide them with more beneficial utility low-income and emergency service programming.
- *Weatherization and Home Assistance:* The Joint Commenters, either on their own or in partnership with local charities, organize to distribute smart thermostats, perform home weatherization inspections aimed at improving home efficiency and, for eligible homes, make appropriate building envelope repairs and replace old and inefficient heating equipment. These efforts help customers save energy and can reduce utility bills going forward.

These programs are indicative of the impactful and ongoing approaches that the industry is using to help low-income customers manage their energy costs. As noted earlier, disconnecting a customer always is the last resort, and we always reach out to customers to try to help them explore payment support programs before that happens. Rigorous processes, determined by state and local regulations, are in place to provide customers with advance notice of potential service disconnection and to educate customers on the variety of resources (as described above) to address concerns prior to any disconnect order.

II. Joint Commenters Continue to Support LIHEAP

The federal government provides energy-related assistance directly and through tax credits to households on a number of fronts, including hazard mitigation, weatherization, energy efficiency, and renewable energy generation. The single largest source of energy assistance funding is LIHEAP, through which the federal government provides financial assistance for household electric and gas utility bills.³

LIHEAP is a block grant program administered by HHS that provides state agencies with funds to support low-income households, particularly those with the lowest incomes, and those who pay a high proportion

³ With its focus on disconnections due to nonpayment of bills, the “various assistance programs across the United States” referenced in the Notice would appear to refer to LIHEAP as administered by the states alongside other state-provided utility bill assistance.

of household income for home energy.⁴ States may set their own LIHEAP income-eligibility limits but must cap those limits at (1) no more than the greater of 150 percent of the Federal Poverty Guidelines (FPG) or 60 percent of the State Median Income, and (2) no less than 110 percent of FPG. They also must give higher benefits to households with the greatest home energy need in relation to household income and number of household members. Additionally, states must provide crisis energy assistance through at least March 15 and they can provide home cooling, weatherization, and/or low-cost home energy equipment repairs or replacements. LIHEAP administering agencies generally implement state LIHEAP programs through eligibility determination, application development and collection, energy affordability education, weatherization, crisis, and other programs.

Allocations to states of LIHEAP funds are set annually by the U.S. Congress through the appropriations process which, in turn, relies on the underlying allocation mechanics of the authorizing statute.⁵ These calculations rely on several factors, but primarily are intended to reflect estimates of expenditures for home energy by low-income households in the state.⁶ While some states use a utility shut off notice by way of demonstrating need when applying for LIHEAP assistance, the allocation to states as described in the statute and in annual appropriations does not rely on disconnection data.

Currently funded at \$4.1 billion, LIHEAP has been effective for more than 41 years in helping nearly 6 million households annually with energy affordability.⁷ The flexibility of a block grant helps states, tribes, and territory grantees craft energy assistance and efficiency programming that blends effectively with existing state and utility assistance resources to address vulnerable populations in energy crisis. All this said, while LIHEAP is a highly effective and critical tool in fighting energy poverty in America, it remains underfunded, serving roughly 1 in 5 eligible households with current resources.⁸

The Joint Commenters' support of LIHEAP is both ongoing and robust, as is our commitment to helping every customer manage through challenging times. For decades, industry has partnered with local community action agencies, low-income advocates, charities and faith-based organizations, as well as state and local government low-income energy assistance and affordable housing offices on energy assistance outreach programs designed to drive those in energy poverty to related financial assistance programs.

⁴ 42 U.S.C. § 8621(a).

⁵ Cong. Research Serv., The LIHEAP Formula, (RL33275 – version 62) at 2 (May 2, 2019), <https://crsreports.congress.gov/product/details?prodcode=RL33275>.

⁶ *Id.*

⁷ U.S. Dep't of Health and Human Servs., Admin. for Children and Families, LIHEAP Performance Mgmt, Number of LIHEAP Recipient Households by Type of Assistance - National - Fiscal Year 2021, https://liheappm.acf.hhs.gov/datawarehouse/custom_reports?years=2021|&grantees=AG&reportId=7.

⁸ N'tl Energy and Utility Affordability Coal., *Maximize LIHEAP Funding in 2024: United States by the Numbers* (2023), <https://neuac.org/wp-content/uploads/2023/07/All-State-Sheets-FY2024.pdf>.

Additionally, the Joint Commenters leverage multi-channel, multi-lingual communications (email, direct mail letters, bill inserts, website, educational videos, radio, etc.), virtual and in-person community outreach events, and other enrollment strategies to meet customers where they are and to offer the most convenient way for customers to understand their options and apply for LIHEAP. Increasingly, electric and natural gas companies also have invested in online portals and other data exchange methods to provide local LIHEAP grantee authorities and energy assistance entities secure access to customer bill information needed to complete LIHEAP applications. These efforts help to identify eligible customers and streamline the processes for applying for assistance.

III. EIA Should Look to Existing Data Instead of Initiating a New Information Collection Effort

EIA's information collection request is made to "inform appropriate levels of budgetary support for various assistance programs across the United States," including energy assistance programs.⁹ As noted above, while EIA's interest in providing analysis regarding the appropriate levels of budgetary assistance is well intentioned, the proposed information collection proposal may not effectively accomplish these goals and could provide misleading, inaccurate data at significant burden. Instead, a more effective alternative would be to leverage the Low Income Home Energy Data that HHS already has available.¹⁰

The Low Income Home Energy Data report uses information from EIA's periodic Residential Energy Consumption Survey (RECS), which the EIA currently is collecting for its next publication in early 2026; the Bureau of the Census's Current Population Survey Annual Social and Economic Supplement; and the LIHEAP Reports to Congress.¹¹ This report presents data on residential household consumption, expenditures, and energy burden for low-income households by heating and cooling type. Metrics, such as those used in this report, assess low-income customers' energy use and costs. When compared against utility-level disconnection data, which neither correlates with nor expresses the degree to which support is needed, this approach offers data that is far more direct and comparable to help policymakers determine the need for assistance for programs such as LIHEAP.

Using existing data would provide EIA with immediately accessible data and an accurate picture of impactful disconnects to inform appropriate levels of budgetary support for energy assistance programs. EIA specifically requested comments on whether "the proposed collection of information is necessary for the proper performance of agency functions, including whether the information will have a practical utility."¹² While EIA plays a critical role as our nation's independent and impartial energy information agency, additional data collection here will not provide EIA with beneficial information beyond that which already is available through LIHEAP data.

⁹ 89 Fed. Reg. at 51,883.

¹⁰ U.S. Dept of Health and Human Servs., Low Income Home Energy Data: For Fiscal Year 2020 (Sept. 2021),

https://www.acf.hhs.gov/sites/default/files/documents/ocs/RPT_LIHEAP_HEN01HEDData_FY2020.pdf.

¹¹ EIA, Residential Energy Consumption Survey (RECS), <https://www.eia.gov/consumption/residential/>.

¹² 89 Fed. Reg. at 51,882.

Further, the proposed annual survey would be “an annual survey that collects information on the number of monthly natural gas and electric service final notices, disconnections, and reconnections for bill nonpayment across residential customers.”¹³ The Notice further explains that the data collected in the proposed form “aims to better inform state and federal policy makers on utility disconnections by providing reliable data that can help inform appropriate levels of budgetary support for various assistance programs across the United States.”¹⁴ However, as noted above, this data already is being collected in a different form, making such an effort duplicative.

While the Joint Commenters are supportive of ensuring policymakers, including those implementing LIHEAP, are well-informed on how best to disperse energy assistance program funds, the proposed data collection will not further that goal in any meaningful way. For instance, HHS already receives a set of performance measures from LIHEAP grantees, including the number of households receiving utility disconnect notices. Given this, EIA’s proposed information collection is not sufficiently distinct from other ongoing reporting and ultimately would create competing, and at times, conflicting, data in an untimely fashion for EIA to use.

EIA’s proposal also seeks to collect final notices, disconnections, and reconnections for bill nonpayment across residential customers.¹⁵ However, Joint Commenters’ members’ experience highlights that EIA (and others seeking to utilize the data such as policymakers or the public) will face significant challenges in interpreting and analyzing the data to make reasonable determinations regarding assistance need and appropriate policies to address that need. If EIA decides to continue collecting this data, additional data points would be needed to add context to the data sought by EIA in this proposed survey before any meaningful analysis can be done – to include household income level and other economic data.

Interpretive challenges also arise from the differing policies established by state utility regulatory bodies that provide customers’ extensive protections from shut-offs in certain scenarios. According to the LIHEAP Clearinghouse, 40 states and the District of Columbia have cold weather protections, 21 states and the District of Columbia have hot weather protections, 2 states have extreme weather protections, and 38 states and the District of Columbia have vulnerable population protections.¹⁶ Such additional data would need to be used in conjunction with the data collected as part of this proposed survey before sound conclusions about assistance need could be drawn with regard to utility final notices, disconnections, and reconnections for bill nonpayment.

¹³ *Id.*

¹⁴ *Id.* at 51,883.

¹⁵ 89 Fed. Reg. at 51,882.

¹⁶ U.S. Dep’t of Health and Human Servs., Admin. for Children and Families, Disconnect Policies, <https://liheapch.acf.hhs.gov/Disconnect/disconnect.htm#:~:text=The%20rules%20allow%20electric%20utilities,October%2015%20disconnection%20moratorium%20period> .

There also are numerous non-utility and non-consumer variables that impact the on-time nature of bill payments and therefore the necessary data points for policymakers to potentially assess assistance need that EIA should thoughtfully consider as it determines the purpose and need of this survey. Final notices before a disconnection do not necessarily mean a consumer needs assistance. For example, the Joint Commenters' members highlight the following examples of non-utility and non-customer variables that impact bill payments:

- In recent months, there has been a notable uptick in interruptions of U.S. Postal Service (USPS) delivery streams, leading to delays in electric and natural gas companies receiving bill payments from customers and, in some cases, customers are receiving their "final notices" before their original monthly bills arrive in their mail boxes. This trend has increased recently but historically has been observed by the companies annually during the heightened holiday shopping season in November and December when mail delivery systems are inundated. These occurrences are outside of the companies' control, though they work diligently with USPS and their business vendors to investigate and correct these issues as quickly as possible.
- Some electric and natural gas companies serve territories with disproportionately high segments of transitory populations, which could include college campuses, military installations, and other facilities that yield high account turnovers. Disconnections and then subsequent reconnections of these accounts do not in and of themselves reflect assistance need.
- Similarly, some electric and natural gas companies may serve areas with a high percentage of vacation homes or residences only used on a seasonal basis. Our members' experience reflects that at the end of a season some of these customers choose to simply let their accounts be disconnected rather than informing the company ahead of time that they will not be utilizing service for a period of time. In these cases, disconnections (followed by reconnections the next season) do not reflect assistance need.

As these examples illustrate, there are a variety of factors that contribute to the reasons that customers receive final notices, disconnections, and reconnections and several of these are not related to financial need, which is a pre-requisite for LIHEAP and other energy assistance programs.

Given these other considerations, EIA should consider using available data to do its analysis as opposed to initiating a new information collection process.

IV. Conclusion

EI and AGA are working with our members to add to the suite of flexible payment support programs that can be tailored to the needs of individual customers. These ongoing efforts include significant data collection on disconnects in coordination with HHS and state energy agencies and regulators. As such, EIA should forgo the proposed survey because the data requested is unnecessary, repetitive, burdensome,

and does not align with the Notice's stated purpose of informing federal and state energy assistance programs. We appreciate the opportunity to highlight our ongoing commitment to working with HHS and state energy agencies to help our customers manage financial hardships, and we invite you to reach out to us with any questions you may have regarding this letter.

Sincerely,

The American Gas Association
The Edison Electric Institute

The American Gas Association (AGA), founded in 1918, represents more than 200 local energy companies that deliver clean, domestic, and reliable natural gas throughout the United States. There are more than 77 million residential, commercial, and industrial natural gas customers in the U.S., of which 96 percent – more than 74 million customers – receive their gas from AGA members. Today, natural gas meets more than one-third of our nation's energy needs. For more information, please visit www.aga.org.

The Edison Electric Institute (EEI) is the association that represents all U.S. investor-owned electric companies. Our members provide electricity for nearly 250 million Americans, and operate in all 50 states and the District of Columbia. As a whole, the electric power industry supports more than 7 million jobs in communities across the United States. For more information, please visit www.eei.org.