



To: Energy Information Administration
From: National Association of State Utility Consumer Advocates
Date: August 19, 2024
RE: Comments on Proposed Form EIA-112

I. INTRODUCTION

The National Association of State Utility Consumer Advocates (“NASUCA”), a voluntary association of 61 state utility consumer advocate offices, appreciates the opportunity to provide these Comments in response to the Energy Information Administration’s (“EIA”) June 20, 2024, Notice and Request for Comments¹ regarding EIA’s proposal to require electric and gas utility companies to collect and file annual disconnection data. As NASUCA represent the interests of utility consumers in 45 states, the District of Columbia, Puerto Rico, Barbados and Jamaica,² the interests of our individual members vary.³ However all of our members agree on the following facts: the standardized collection and publication of geographically granular data on disconnections, arrearages, reconnections, and financial barriers to reconnection across different segments of the residential customer population can play an integral role evaluating and developing evidence-based policies to improve outcomes for policymakers, utilities, and customers.

¹ Federal Register / Vol. 89, No. 119 / Thursday, June 20, 2024, pp. 51882 – 51883 [hereinafter Notice].

² NASUCA’s full members are designated by the laws of their respective jurisdictions to represent the interests of utility consumers before state and federal utility regulators and in the courts. NASUCA’s associate and affiliate members are recognized utility consumer advocates in their respective jurisdictions.

³ Individual NASUCA consumer advocate members reserve the right to file separate comments regarding the issues discussed in these comments.

Utility service disconnections and their impacts on customers are of significant concern for both NASUCA and the National Association of Regulatory Utility Commissioners (“NARUC”). Both organizations recognize the value of evidence-based policy making around these issues and consider data collection and sharing an integral part in developing such policies. In 2019, NASUCA and NARUC jointly adopted a resolution calling for States to consider requiring utilities to

(1) collect monthly data that tracks uncollectables, number of payment arrangements, number of payment arrangement defaults, number of revised payment arrangements, disconnections, reconnections, duration and frequency of disconnections and other relevant data points; (2) make the data publicly available on a monthly basis, delineated by general residential customers and those receiving low-income assistance; and (3) file the data with state public utility commissions to be published on the public utility commission’s website so that policy makers might have access to sufficient, objective and granular data for forming public policy aimed at protecting the public health, safety and welfare.⁴

NASUCA has also adopted several stand-alone resolutions regarding utility data collection and publication.⁵ NASUCA therefore supports the EIA’s effort to provide state and federal policymakers uniform, reliable data on utility disconnections by collecting and publicizing data from electric and gas utilities. These comments respond to EIA’s request for comment on how it can improve the quality, utility, and clarity of the information it will collect through Form EIA-112, “Residential Utility Disconnections Survey” (“survey”).⁶

As proposed, Form EIA-112 will require non-exempt utilities to report the monthly number of total customers, final notices, disconnections, and reconnections on an annual basis. These datapoints are a significant step towards EIA’s goal of providing state and federal policy makers uniform, reliable data that can help inform appropriate levels of budgetary support for various assistance programs across the country.⁷ NASUCA supports the inclusion of these four categories of data. However, additional data and increased granularity of data will assist policy makers in evaluating the effectiveness of existing disconnection practices and the adequacy of financial assistance programs while supporting the

⁴ NASUCA/NARUC Joint Resolution on Best Practices in Data Collection and Reporting for Utility Services Delinquencies in Payments and Disconnection of Service, Resolution 2019-07 [hereinafter Resolution 2019-07]; see Appendix A.

⁵ See Appendix A.

⁶ Notice, p. 51883.

⁷ *Id.*

development of cost-effective credit and collection policies. Additional data will also assist policy makers identify problems that may require new practices and policies.⁸

II. NASUCA RECOMMENDATIONS

NASUCA recommends the inclusion of the following additional datapoints and modifications to the survey.

Geographic granularity. Consistent, uniform reporting of geographically granular data enables policy makers to view and investigate geographic disparities in the impacts of utility bills on their customers and develop policies to reduce disproportionate outcomes. NASUCA therefore recommends that all data collected by the survey be reported at the zip-code or census tract level.⁹

Granularity in customer type. Data concerning all segments of the residential customer population are necessary to ensure that public health and safety risks are being adequately considered and addressed. In particular, low-income households often postpone other important purchases, even in some cases going without food, or forgoing medical or dental care, to pay utility bills. In some cases, low-income customers suffer illness in an effort to lower those bills by reducing their usage of heating and cooling energy to what may be unhealthy levels.¹⁰ Delineating that data into general residential customers and low-income customers may provide valuable insight into the disparate impacts of utility bills on different segments of customers. NASUCA therefore recommends the survey collect the following additional data:

- Number of general residential customers
- Number of low-income customers (defined as customers participating in an energy assistance, low-income energy efficiency, or other means-tested benefit program)
- All data collected in the survey be reported by general residential customer and low-income customer categories

⁸ NASUCA Resolution Urging States to Direct Natural Gas and Electric Utilities to Collect and Post on the Public Utility Commission Website Uniform Time Series Statistical Data on Residential Billings, Collections, Arrearages and Disconnections for Nonpayment, Resolution 2018-04 [hereinafter Resolution 2018-04], see Appendix A.

⁹ *Id.*

¹⁰ Resolution 2019-07.

Arrearage data. The compilation of time series billing and arrearage data enables policymakers to quantify the number of consumers who are experiencing problems in paying their utility bills each month and the impact of the arrearages on customers.¹¹ This data also assists policymakers in evaluating the justness, reasonableness and affordability of utility rates and the adequacy of financial assistance programs, such as the Low Income Home Energy Assistance Program (LIHEAP) and other government assistance programs, utility fuel funds, and community assistance resources in helping customers pay utility bills.¹² NASUCA therefore recommends the survey collect the following additional data:

- Arrearage data by vintage (e.g., 1-30 days, 31-60 days, 61-90 days past due)
- Total uncollectible accounts that are written off

Payment plans. Public policy supports the development of cost-effective credit and collection policies and practices that make disconnection of gas and electric services the remedy of last resort, occurring only after all other reasonable collection and payment tools have been exhausted.¹³ Evaluations concerning the design and effectiveness of payment extensions and deferred payment plans, including the number of disconnections avoided through the use of payment plans, can be performed much more effectively when there is a basis for evaluation through quantitative data uniformly reported across comparable utilities and across States.¹⁴ NASUCA therefore recommends the survey collect the following additional data:

- Number of customers on a payment plans
- Number of disconnections avoided by payment plan
- Number of failed payment plans

Energy Assistance Programs. Data on the numbers of customers enrolled in programs such as the LIHEAP and utility bill assistance programs also assists policymakers in evaluating the justness, reasonableness and affordability of utility rates and the adequacy of financial assistance.¹⁵ Combined with disconnection data, this information can provide policy makers with a deeper understanding of the

¹¹ Resolution 2018-04.

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

impacts of utility bills on customers. NASUCA therefore recommends that the survey collect the following data:

- Number of customers enrolled in the Low-Income Home Energy Assistance Program (LIHEAP)
- Number of customers enrolled in utility bill assistance programs
- Number of customers enrolled in an energy assistance program and a payment plan
- Number of disconnections that result even with these options in place

Barriers to reconnection. Data regarding the imposition of cash deposits is necessary to evaluate the effectiveness of deposits and whether alternative methods should be used to help consumers demonstrate creditworthiness.¹⁶ Collection of data concerning reconnection charges and deposits are additional measures of the impact that customers are experiencing paying utility bills which may better inform policy makers in developing reconnection policies.¹⁷ NASUCA therefore recommends the survey collect the following additional data:

- Number of customers charged reconnection fees in each month
- Number of customers required to submit new deposits or increased deposits during the month

Additional reconnection data. Data concerning the length of time that customers are living without gas and or electric services following disconnections for nonpayment is indicative of the difficulty consumers are experiencing securing access to uninterrupted, essential utility services.¹⁸ Including the number of customers not reconnected and delineating the number of reconnections into time periods until reconnections provides insight into the difficulties customers face. NASUCA therefore recommends the survey collect the following additional data:

- Number of reconnections within time periods (e.g., 24 hrs, 48 hrs, 72 hrs, 7 days, 14 days, and 15+ days)
- Number of customers not reconnected in each month

Additional zip code level data. To provide a clearer understanding of the impact of utility bills on customers, additional zip code level information would be helpful. The following data points would

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

provide a more detail about a utility's customers and provide additional geographic granularity in utility bills and their impacts.

- Number of medically vulnerable customers per zip code or census tract (i.e., medical certificate on file with the utility)
- Average bill per zip code or census tract

III. CONCLUSION

NASUCA appreciates the opportunity to submit these comments. NASUCA respectfully requests that EIA consider the modifications to Form EIA-112 described, above.

Respectfully submitted,

/s/ David Springe

David Springe, Executive Director
The National Association of State Utility
Consumer Advocates ("NASUCA")
8380 Colesville Road, Suite 101
Silver Spring, MD 20910
(785) 550-7606 (mobile)
david.springe@nasuca.org

Appendix A. Summary of Existing NASUCA Resolutions on Data Collection

NASUCA Resolution advancing Equity and Affordability in Utility Regulation, Resolution 2022-02

Abstained: Alabama, South Carolina, Tennessee, Iowa, Pennsylvania Small Business Advocate

Available at: <https://www.nasuca.org/wp-content/uploads/2022/05/2022-02-Advancing-Equity-and-Affordability-in-Utility-Regulation-Resolution.pdf>

- Data collected at zip code level delineated by customer class, income level, type of utility service
- number of customers receiving utility service;
- number of customers receiving disconnection notices;
- number of customers disconnected for nonpayment;
- number of customers reconnected because they have paid in full or set up payment arrangements
- number of new deferred payment arrangements;
- number of customers taking service at the beginning of each month under existing deferred payment arrangements
- number of customers completing deferred payment arrangements during the month
- number of payment agreements that failed each month;
- number of customers renegotiating deferred payment arrangements during the month;
- number of customers assessed late payment fees during the month;
- number of customers taking service at the beginning of the month under existing medical payment arrangements; number of customers completing medical payment arrangements during the month;
- number of customers enrolling in new medical payment arrangements during the month;
- number of customers renegotiating medical payment arrangements during the month;
- number of customers required to submit new deposits or increased deposits during the month;
- number of customers whose deposits were reduced or foregone during the month;
- number of customers whose deposits were returned in full during the month;
- number of customers with past due amounts (separated by 30-60 days, 61-90 days, 91+ days past due) at the beginning of the month and taking service at the beginning of the month under existing deferred payment arrangements;
- dollar volume of past due accounts, for customers with past due amounts (separated by 30-60 days, 61-90 days, 91+ days past due) at the beginning of the month and taking service at the beginning of the month under existing deferred payment arrangements;
- number of customers being charged for reconnection fees;
- number of customers being charged penalties and/or interest;
- average amount of penalties, late payment charges, and/or interest charged to each disconnected customer;
- total amount of penalties, interest, late payment charges and reconnection fees charged to customers;
- history of customers who have enrolled in more than one payment plan;
- number of customers who applied for a payment plan but were denied;
- number of customers receiving utility bill forgiveness programs and amounts received;
- number of customers receiving federal funds (outside of LIHEAP) and amounts received;
- number of customers enrolled in a low-income discount rate; and number of customers enrolled in an arrearage management program
- number of liens attached to properties for past due water arrearages;
- number of wage garnishments for past due accounts.

Joint Resolution with NARUC on Best Practices in Data Collection and Reporting for Utility Services Delinquencies in Payments and Disconnections of Service, Resolution 2019-07

No abstentions recorded

Available at: <https://nasuca.org/wp-content/uploads/2018/11/2019-07-NASUCA-Data-Collection-Resolution-Joint-with-NARUC-Final.pdf>

- Monthly uncollectibles
- Monthly Number of payment arrangements
- Monthly Number of payment arrangement defaults
- Monthly Number of revised payment arrangements
- Disconnections
- Reconnections
- Duration and frequency of disconnections
- Other relevant data
- Make data publicly available on monthly basis, delineated by residential customers and those receiving low-income assistance
- File data with state public utility commissions to be published on the state commission website

NASUCA Resolution Urging States to Direct Natural Gas and Electric Utilities to Collect and Post on the Public Utility Commission Website Uniform Time Series Statistical Data on Residential Billings, Collections, Arrearages and Disconnections for Nonpayment, Resolution 2018-04

Abstained: Oklahoma AG

Available at: <https://nasuca.org/wp-content/uploads/2018/01/2018-04-NASUCA-Data-Collection-Resolution-Final-11-11-2018.pdf>

- Monthly or quarterly data collection
- Total number of customers by customer type (low-income, medical needs, etc.)
- Total number of customers sent service termination notices, by type
- Total customers sent final notices for nonpayment by customer type
- Disconnections for nonpayment by customer type
- Reconnections within 24 hrs, 48 hrs, 72 hrs, 7 days, 14 days, and 15+ days by customer type
- Total electric customers not reconnected, by customer type
- Total gas customers not reconnected, by customer type
- Customers requesting bill payment assistance of any kind, by customer type
- Payment plans created, by customer type
- Payment plans failed, by customer type
- Dollar value and number of residential accounts written off as gross uncollectibles
- Total number of accounts in arrears between 30-60 days, 60 to 90 days, and more than 90 days by customer type
- Total dollar amount of the arrears that were owed between 30 to 60 days, 60 to 90 days, and more than 90 days, by customer type
- Number of deposits received by customer type
- Dollar value of deposits received, by customer type
- Number and dollar value of deposits returned to customers upon satisfaction of deposit return criteria, by customer type
- Dollar value of customer deposits retained by utility, by customer type
- Report all above data in aggregate and stratified by neighborhood geography (i.e., zip code or census tract)

- Number of residential customers receiving LIHEAP, fuel funds or other financial assistance, by type and geography (zip code, etc.)
- Additional charges and fees assessed to customers pay to pay their bills
 - To pay bills at authorized agents of utilities
 - To pay bills via credit cards or e-checks
 - in late payment charges
 - in reconnection charges
 - in deposits received and deposits refunded

NASUCA Resolution Urging Adoption of Protections Against Termination of Utility Service for Low-Income, Senior, and other At-Risk Households in Which Seriously or Chronically Ill or Disabled Person Resides, Resolution 2018-03

Abstained: Michigan, TN

Available at: <https://nasuca.org/wp-content/uploads/2017/08/2018-03-Protections-from-Shutoff-for-Customers-with-Serious-Illnesses-Final-6-24-18-002.pdf>

- Track disconnection and reconnection data and statistics, particularly with regard to disconnections and reconnections during heating seasons and low-income customers

NASUCA Resolution Urging States to Gather Uniform Statistical Data on Billings, Arrearages and Disconnections of Residential Gas and Electric Service, Resolution 2011-02

No abstentions recorded

Available at: <https://www.nasuca.org/urging-states-to-gather-uniform-statistical-data-on-billings-arrearages-and-disconnections-of-residential-gas-and-electric-services-2011-02/>

- Resolution recommends annual data collection
- number of residential customers who were required to pay a deposit to demonstrate creditworthiness to initiate gas or electric service and the average amount of the deposit;
- number of residential customers who used alternative methods to a deposit to demonstrate financial responsibility while initiating service;
- number of residential customers who were required to pay a deposit to initiate gas or electric service but were unable to do so;
- number of customers enrolled in each specific and distinct low-income payment plan;
- average payment amount for customers in each specific and distinct low-income payment plan;
- number of customers enrolled in every other type of payment plans offered by the utility to other (non-low-income) customers;
- the aggregate dollar amount that is being deferred in each specific and distinct type of low-income or other payment plan;
- the aggregate dollar amount that has been collected in each specific and distinct type of low-income and other payment plan;
- number of customers who defaulted on each specific and distinct type of payment plan;
- provide the dollar value and number of residential accounts (and low-income accounts) written off as gross uncollectibles, in that the accounts have been written off and sent to a collection agency;
- the dollar value and number of residential accounts (and low-income accounts) written off as net uncollectibles, in that the accounts have been written off after a collection agency has failed to collect payment;
- separately provide the total number of accounts in arrears between 30 – 60 days, 60 – 90 days, more than 90 days;

- separately provide the total dollar amount of the arrears that were owed between 30 – 60 days, 60 -90 days, more than 90 days;
- number of residential customers receiving a disconnection notice;
- number of low-income customers receiving a disconnection notice;
- number of residential customers disconnected for non-payment
- number of low-income customers disconnected for nonpayment;
- number of customers enrolled in a low-income payment assistance program when they were disconnected for non-payment;
- number of residential customers who used special medical certification procedures to avoid disconnection;
- separately provide the number of residential disconnections, and low-income residential disconnections, where service was reconnected within ten business days, ten to thirty days, thirty to sixty days, sixty to ninety days, and greater than ninety days.
- Residential customer receiving LIHEAP, fuel funds, or other financial assistance and average amount of assistance received
- Additional charges and fees consumers pay on an annual basis to pay utility bills
 - To pay bills at authorized agents
 - To pay bills via credit cards or e-check
 - In late payment charges
 - In reconnection charges