



Rhode Island Lawyers for the Public Interest

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## Comments of the Rhode Island Center for Justice

### Public Utilities Commission Docket 4651

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The Rhode Island Center for Justice is a non-profit public interest law center that partners with community groups to strengthen existing advocacy and service provision with legal representation and strategy. Our legal practice areas, including housing, immigration, and workers' rights, reflect the most pressing needs of low-income people in our state. In partnership with the George Wiley Center, the Center for Justice provides legal assistance and advocacy to medically vulnerable low-income utility consumers.

The Rhode Island Center for Justice wishes to raise several concerns about National Grid's proposed tariff provision, and to bring attention to existing problems with the administration of the Arrearage Management Program (AMP) that might be remedied through revisions to the proposal. We ask that changes be made in accordance with our suggestions.

1. Mirroring the language of R.I. Gen. Laws § 39-2-1(d)(2), Part I (Program Eligibility) says that in order to be eligible for AMP enrollment, a customer whose service is active must be "recognized, pursuant to a rule or decision by the Division of Public Utilities and Carriers, as being scheduled for actual shut-off of service on a specific date." This provision, combined with National Grid's practice of not scheduling terminations during the winter moratorium, has the potential to render the AMP completely inaccessible for half of the year. The winter moratorium on service terminations runs from November 1 to April 15 each year, and is often extended to May 1. Because LIHEAP eligibility is a prerequisite to AMP eligibility and qualifies consumers for moratorium protection, all AMP eligible consumers are necessarily protected by the winter moratorium. The Center for Justice has recently assisted several otherwise AMP-eligible consumers who have been told that they do not qualify for the AMP because their specific shut-off date won't be scheduled until the conclusion of the winter moratorium. **This is an absurd result that renders all interested parties and the ratepayers worse off.** The consumer is unable to enter into a payment plan and is practically encouraged to accumulate

more debt before doing so. National Grid is likely to receive less compensation for its services as consumers wait to become eligible.

2. Part I further requires that an AMP applicant be the customer of record on his or her account. **This requirement has no statutory basis** and will make the application process more difficult for some consumers. Normally, customers of record can authorize others (e.g. a spouse or child) to communicate with National Grid on their behalf regarding their accounts. Other currently available payment plans can be entered into by those with such authorization. This requirement presents more than a mere inconvenience to some consumers. The Center for Justice recently worked with a utility consumer who was told by a National Grid representative that he could not apply for the AMP on behalf of his mother, who suffers from advanced stage Alzheimer's disease, despite being authorized on her account. The customer of record requirement should be removed.

3. Part I also contains language regarding modifications to initial payment requirements under emergency regulations. Under the AMP, consumers whose service is shut off are required to make an initial payment equal to twenty-five percent (25%) of their unpaid balance in order to have service restored, "unless the commission has enacted emergency regulations in which case the customer shall pay the down payment required by the emergency regulations." R.I. Gen. Laws § 39-2-1(d)(2)(iii). Each year in November the Commission adopts emergency regulations offering consumers payment plans with lower down payments and longer repayment terms. This past November, consumers were entitled to enter into payment plans with an initial payment of ten percent (10%) of their unpaid balance. Under the terms of the statute, those seeking to restore utility service through entry into an AMP payment plan in November 2016 should have been able to do so with a ten percent (10%) down payment. National Grid continued to demand twenty-five percent (25%) down payments, arguing that emergency regulations only affect AMP initial payments if AMP expressly included in the text of the emergency regulations. This strained, unnatural reading of the statute creates perverse incentives for consumers. It encourages them to have their service restored with the lower down payment required under the emergency regulations, and then to stop making payments so that they can default and become eligible for the AMP plan.

4. Part II (Enrollment) says that National Grid "will coordinate with the Community Action Program ("CAP") agencies to validate customer eligibility when appropriate." The Center for Justice wishes to raise an ongoing issue that might be addressed through this coordination. LIHEAP applications are often submitted to CAP agencies in November or December, while grants are not disbursed until February or March of the following year. In the period between application and disbursement, National Grid receives no notification confirming consumers' LIHEAP eligibility. This lack of notification has become a recurring issue, delaying consumers' attempts to enter into AMP payment plans and thereby encouraging the accumulation of more debt before payment plans begin. We encourage National Grid and the CAP agencies to develop a protocol for verifying consumers' LIHEAP eligibility during this gap period.

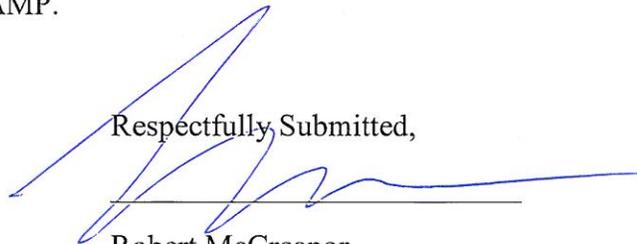
5. Part IV (Arrears Forgiveness) contains language on the extension of AMP payment plans beyond initial twelve month terms for consumers with balances greater than \$1,500. It indicates that consumers “may request an extension” to accommodate the additional debt. The Center for Justice would like to clarify how such requests will be evaluated, and ask whether and for what reason a request from a consumer who continues to meet AMP eligibility requirements, and is current with their payment plan after the initial term, would ever be denied.

6. Part VI (Default) says that consumers who voluntarily opt out of the AMP “may be ineligible for future participation in the AMP.” There is **no statutory basis for such permanent ineligibility**. Those who opt out of AMP payment plans should receive the same treatment as those who default on payment plans, with the potential for renewed eligibility after two years.

7. Part X (Subsequent Eligibility) inappropriately grants National Grid discretion to deny subsequent AMP eligibility for those who have completed or defaulted on AMP payment plans in the past. R.I. Gen. Laws § 39-2-1(d)(2)(xiii) provides that “[a]fter two (2) years from the date of completion of the plan or removal from the plan for failure to remain current with payments and upon recommendation from a community action partnership agency, a customer shall be eligible to enroll in a subsequent arrearage forgiveness plan [emphasis added].” The proposed tariff provision says that National Grid “shall review requests for re-enrollment on a case-by-case basis.” **The statute clearly indicates that those who complete an AMP payment plan or default and obtain a CAP agency recommendation are eligible to enroll in a subsequent AMP payment plan, and it does not grant National Grid discretion to deny AMP payment plans to those who are eligible.** The last sentence under Part X should be removed.

8. The AMP is only useful to the extent that eligible consumers have access to it. Currently, consumers must apply for the AMP by speaking with National Grid customer service representatives via telephone. In our attempts to help consumers enter into AMP payment plans, attorneys at the Center for Justice have received conflicting information. Some of the consumers we’ve worked with have successfully entered into AMP payment plans after a single call to National Grid. Others have been told that their case must be referred to Michael Carter, who actually arranges individualized payment plans for those with handicap protection. Some have been told that their cases will be referred to the “Rhode Island AMP Department”. Frequently, those who are told they will receive a follow up phone call confirming their AMP enrollment don’t receive that call, and have to affirmatively contact National Grid multiple times. The Center for Justice encourages National Grid to review its customer service training procedures and ensure that eligible consumers have access to the AMP.

Respectfully Submitted,



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