**STATE OF NEW YORK**
**PUBLIC SERVICE COMMISSION**

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| Proceeding on Motion of the Commission in Regard to Gas Planning Procedures | ) ) | Case 20-G-0131 |

# JOINT LOCAL DISTRIBUTION COMPANIES' REPORT ON CHALLENGES RELATED TO REPORTING DATA RELATED TO LOW- AND MODERATE-INCOME AND DISADVANTAGED COMMUNITIES

## I. Introduction

In its *Order Adopting Moratorium Management Procedures* dated May 12, 2022 in this proceeding,[1] the Commission stated that potential gas moratoria could acutely impact low- and moderate-income (LMI) customers and customers residing in areas classified as disadvantaged communities (DACs).[2] To minimize these potential impacts, the Commission directed the Joint Local Distribution Companies (Joint LDCs)[3] to include four key items in any potential moratorium notice filed with the Commission:

1) LMI customer and DAC customer population numbers;
2) LMI customer and DAC customer natural gas usage;
3) A method for landlords, prospective owners, or prospective renters to determine gas availability at a premise prior to the execution of a rental agreement, lease, or purchase; and
4) The number of submitted applications, service requests, or work requests that have been approved, denied, or are pending within the past five years.[4]

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1 Case 20-G-0131, *Proceeding on Motion of the Commission in Regard to Gas Planning Procedures* (Gas Planning Proceeding), Order Adopting Moratorium Management Procedures (issued May 12, 2022) (Moratorium Management Order).

2 Gas Planning Proceeding, Moratorium Management Order, p. 27.

3 The Joint LDCs are: Central Hudson Gas & Electric Corporation; Consolidated Edison Company of New York, Inc. (Con Edison); The Brooklyn Union Gas Company, KeySpan Gas East Corporation, and Niagara Mohawk Power Corporation, which together d/b/a National Grid; National Fuel Gas Distribution Corporation; New York State Electric & Gas Corporation; Orange and Rockland Utilities, Inc.; Rochester Gas and Electric Corporation; Liberty Utilities (St. Lawrence Gas) Corp.; and Corning Natural Gas Corporation.

4 Gas Planning Proceeding, Moratorium Management Order, pp. 27-28.

The Order further directed that "[s]hould any LDCs be incapable of accurately capturing the information identified above, the LDC(s) shall provide notice of any anticipated difficulties within 60 days of the date of this Order."[5] On July 11, 2022, the Joint LDCs submitted notice describing challenges to providing a complete set of the data the Moratorium Management Order contemplates.[6]

The Joint LDCs met with the Department of Public Service (DPS) Staff and stakeholders on September 14, 2022 to review the issues noted in the Joint LDCs' Notice. In addition, the Joint LDCs shared proposed approaches to providing the best information available and practicable in the instance that a moratorium condition materializes in the future. These proposed approaches are discussed in the sections that follow.

## II. Low- and Moderate-Income Customer Data

The Joint LDCs do not maintain an inventory or database of customers based on their qualification for LMI status, nor is there a universally accepted definition of low- or moderate-income customers. However, the Joint LDCs are able to identify customers that are enrolled in their Energy Assistance Programs (EAP), which provide a monthly utility bill discount to qualifying customers. Customers are eligible for enrollment in the EAP based on their enrollment or qualification for various social services programs (*e.g.*, HEAP), and enrollment into the EAP occurs either automatically through coordination between social service agencies (including but not limited to the NY State Department of Social Services (DSS) and the Office of Temporary and Disability Assistance (OTDA)) and the LDCs or through customer self-certification.

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5 Gas Planning Proceeding, Moratorium Management Order, p. 28.

6 Gas Planning Proceeding, Letter from E. Acevedo of Con Edison on behalf of the Joint LDCs to Commission Secretary Phillips (July 11, 2022) (Joint LDCs' Notice).

Therefore, as was proposed during the September 14, 2022 discussion with stakeholders, the Joint LDCs propose the use of EAP customer enrollment data for the purpose of meeting the Moratorium Management Order's reporting requirements regarding LMI customers. While this data may not capture all low- and moderate-income customers in particular areas, it is a reasonable proxy considering that the LDCs do not obtain financial income information from customers and the EAP programs include customers that have received various social services benefits. In the instance that an LDC calls a moratorium in the future, the data reported pursuant to the Moratorium Management Order would apply to customers enrolled in their EAP program at the time a moratorium notice filing is made.

## III. Disadvantaged Communities Customer Data

There are also potential challenges to fulfilling the Commission's requirement that the Joint LDCs provide information on customers residing in DACs. The definition of DACs has not yet been finalized as part of the Climate Leadership and Community Protection Act[7] (CLCPA) implementation process and may be revisited and/or revised over time. Procedures still need to be established to accurately identify these customers while revisions to the definition and/or communities included therein occur periodically.

The Joint LDCs first need the definition of DACs to confirm the feasibility of reporting on customers located within the communities identified. If the definition hinges on data points that are routinely captured by LDC billing systems (*e.g.*, service class, zip code, EAP participation), then the provision of data about such customers is a relatively straightforward exercise. Identifying customers in DACs may be a manual exercise if it requires mapping customer accounts to building addresses (which can be different from mailing addresses and utility service addresses), political

[7] Chapter 106 of the laws of 2019.

boundaries, or other geo-locational data (*e.g.,* block and lot information maintained by a municipality). In addition, there are limitations to the Joint LDCs' ability to report this data accurately (as described above) to the extent that the definition of DACs includes low-income households regardless of location, as is currently proposed.

The Moratorium Management Order requires that the LDCs report the natural gas consumption by LMI customers and by customers residing within DACs. However, in New York there are many communities with disparate income levels living in close proximity or even within the same building. Compounding this challenge, many customers do not have their own gas bills, which could result in inaccurate or misleading data.[8] To the extent the definition of a DAC requires utilities to include or exclude certain groups of customers within the same geographic area based on something other than service classification or EAP participation, reporting will require a more refined analysis that utilities may not be capable of today.

Given the current uncertainty regarding the definition of a DAC, the Joint LDCs propose to provide information concerning DAC customers and their natural gas consumption based on the definition in place when the Joint LDCs prepare and report such information.[9]

## IV. Miscellaneous Data Reporting Requirements

The Joint LDCs do not expect to have challenges providing landlords, prospective owners, or prospective renters with a method to determine gas availability at a premise prior to the execution of a rental agreement, lease, or purchase. Likewise, in the instance that a moratorium is

[8] Many apartment buildings and multi-family dwellings in New York State have "master meters" that aggregate and track consumption for the entire building. As a result, it is not possible to accurately assess the consumption by one resident as compared to others. Buildings with residents that have varied income levels make an evaluation of usage per low-income customer even more challenging.

[9] The Joint LDCs will apply the currently proposed definition until such time as it is finalized in accordance with the terms of the CLCPA.

required in the future, the Joint LDCs expect to be able to report on the number of submitted applications, service requests, and work requests from the prior five-year period.

## V. Conclusion

The Joint LDCs appreciate the opportunity to collaborate with DPS Staff and stakeholders on challenges related to the reporting requirements in the Moratorium Management Order. Further, the approaches the Joint LDCs have proposed for gathering and reporting data related to LMI and DAC customers will provide the Commission with the best information available for understanding the effect a moratorium could have on these customers.

Dated: October 14, 2022

Respectfully submitted,

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