Certified by State of Maine (Maine.PUC@Maine.gov) Public Utilities Commission Administrative Director 5/3/2022 4:25:53 p.m.

# 65-407 PUBLIC UTILITIES COMMISSION

**Chapter 314: STATEWIDE LOW-INCOME ASSISTANCE PLAN**

**SUMMARY**: This Chapter establishes the standard design, as well as the administration and funding criteria for a Statewide Low-Income Assistance Plan to assist qualified low-income customers pay their electric bills. This Chapter mandates the creation of a Low-Income Assistance Program (LIAP) for transmission and distribution utilities that do not currently have them and the continuation of existing LIAPs. This Chapter creates a central fund to finance the statewide plan and apportions the fund to transmission and distribution utilities based on the percentage of LIAP eligible persons residing in their respective service territories. The Maine State Housing Authority (MSHA) will administer the statewide plan and the individual LIAPs and the Department of Human and Health Services (DHHS) will provide notification of eligibility for the LIAP to participants of DHHS administered means-tested programs who are at or below 75% of the federal poverty guidelines.

# TABLE OF CONTENTS

[§1 GENERAL PROVISIONS AND DEFINITIONS 3](#_TOC_250026)

1. [Scope of Rule 3](#_TOC_250025)
2. [Definitions 3](#_TOC_250024)

[§2 PURPOSE OF THE STATEWIDE LOW-INCOME ASSISTANCE PLAN AND LIAPs 6](#_TOC_250023)

[§3 CREATION AND IMPLEMENTATION OF LIAPS 6](#_TOC_250022)

1. [Creation and Implementation of the LIAPs 6](#_TOC_250021)
2. [Review and Approval by Commission 6](#_TOC_250020)

[§4 REQUIRED DESIGN FEATURES OF A LIAP 6](#_TOC_250019)

1. [Eligible Customers 7](#_TOC_250018)
2. [LIAP Administration 7](#_TOC_250017)
3. [Native American Participation in LIAPs 7](#_TOC_250016)
4. [Transfer of Certification Information 7](#_TOC_250015)
5. [Benefit Levels 7](#_TOC_250014)
6. [Lump Sum Benefit Program 8](#_TOC_250013)
7. [Enrollment 8](#_TOC_250012)
8. [Statewide Low-Income Assistance Plan Funding 8](#_TOC_250011)
9. [Relationship to Energy Management Services 8](#_TOC_250010)
10. [Impact on Means-Tested Assistance Programs 8](#_TOC_250009)
11. [Continuing Applicability of Chapter 815 9](#_TOC_250008)
12. [Benefits Provided to Customers Using Oxygen Pumps or Ventilators 9](#_TOC_250007)

[§5 STATEWIDE LOW-INCOME ASSISTANCE PLAN FUNDING 12](#_TOC_250006)

1. [Creation of a Statewide Low-Income Assistance Plan Fund 12](#_TOC_250005)
2. Transmission and Distribution Utilities' Funding Obligation for the

Statewide Low-Income Assistance Plan for LIAP Program 12

1. [Modifications to Assessment Level 13](#_TOC_250004)
2. [Apportionment of Funds 13](#_TOC_250003)
3. [Transfer of Funds 14](#_TOC_250002)

[§6 STATEWIDE LOW-INCOME ASSISTANCE PLAN AND LIAP ADMINISTRATION: ROLE OF THE MSHA AND THE DHHS 15](#_TOC_250001)

1. [Role of MSHA 15](#_TOC_250000)
2. Role of DHHS 18

# §7 OBLIGATIONS OF TRANSMISSION AND DISTRIBUTION UTILITIES 18

# Notice to Customers 18

# Enrollment of DHHS Program Eligible Customers 19

# Providing Information to MSHA, Community Action Agencies, or other

# MSHA Designated Entities 19

# Energy Management Measures 20

1. **Reporting** 20

**§8 WAIVER** 21

# §1 GENERAL PROVISIONS AND DEFINITIONS

# Scope of Rule

This Chapter applies to all transmission and distribution utilities in the State except those transmission and distribution utilities exempt from electric restructuring pursuant to Title 35-A M.R.S. §3202(6).\

# Definitions

* 1. **Apportionment**

"Apportionment" is the amount of money that a transmission and distribution utility shall spend annually on its LIAP. The amount of each transmission and distribution utility's apportionment is established by Commission order.

# Apportionment Rate

"Apportionment rate" is the percentage of the Statewide Low-Income Assistance Plan fund to which a transmission and distribution utility is entitled.

Apportionment rates are established by Commission order.

# Assessment

"Assessment" is the amount of revenue that each transmission and distribution utility must contribute annually to the cost of the Statewide Low-Income Assistance Plan. Each transmission and distribution utility's assessment is established by Commission order.

4. **CASD**

“CASD” is an acronym that stands for the “Consumer Assistance and Safety Division” of the Commission.

# Carry-Forward Amount

“Carry-forward amount” is the total amount of apportioned funds that were unspent or uncommitted in one LIAP program year and are available for use in a future LIAP program year.

# Commission

“Commission” is the Maine Public Utilities Commission.

# Community Action Agency

“Community Action Agency” is a private nonprofit agency that is designated by and authorized to accept funds from the Federal Community Services Administration under the *Federal Economic Opportunity Act of 1964*.

# DHHS

“DHHS” is an acronym that stands for the Maine Department of Health and Human Services.

# Federal Poverty Guidelines

“Federal Poverty Guidelines” are guidelines established by the Secretary of the United States Department of Health and Human Services adjusted annually on the basis of the Consumer Price Index for All Urban Consumers (CPI-U). The poverty guidelines are used as an eligibility criterion by Medicaid and a number of other Federal programs. The federal poverty guidelines are a simplified version of the federal poverty thresholds that the Census Bureau uses to prepare its estimates of the number of individuals and families in poverty.

# LIAP

“LIAP” is an acronym that stands for "Low-Income Assistance Program," which is a program to assist qualified low-income customers pay their electric bills.

Collectively, the LIAPs constitute the Statewide Low-Income Assistance Plan. An existing Low-Income Assistance Program is a LIAP.

# LIAP Program Year

“LIAP program year” is the period between October 1st and the following September 30th.

# LIHEAP

“LIHEAP” is an acronym that stands for “Low-Income Home Energy Assistance Program,” which is a federally funded program that provides financial assistance grants to needy households for home energy bills and is implemented by the Maine State Housing Authority.

# Lump Sum Benefit Program

A “Lump Sum Benefit Program” is a LIAP that uses a formula to calculate an annual customer benefit amount.

# Means-Tested Program

A “means-tested program” is an assistance program that measures a family's income against the federal poverty line to determine eligibility for participation in the program.

# MSHA

“MSHA” is an acronym that stands for the Maine State Housing Authority.

# Oxygen Pump

An “oxygen pump,” also referred to as an “oxygen concentrator,” is an electrical device used to provide oxygen to a person for breathing at substantially higher concentrations than those of ambient air.

# Participant

A “participant” is a customer who is enrolled in a LIAP.

# Percentage of Income Program

A “percentage of income program” or “PIP” is a LIAP under which a customer’s transmission and distribution utility costs are based on a predetermined percentage of the customer’s total household income. Transmission and distribution utility costs that exceed the predetermined percentage of total household income are paid as a benefit.

# Physician

"Physician" is any natural person authorized by law to practice medicine or osteopathy in Maine.

# Residential Customer

“Residential Customer” is any person who has applied for, been accepted for, and is receiving residential service from a transmission and distribution utility or has agreed to be billed for residential service from a transmission and distribution utility. This term also includes a person who was a customer of the same transmission and distribution utility within the past thirty days and who requests service at the same or a different location.

# Statewide Low-Income Assistance Plan

"Statewide Low-Income Assistance Plan" comprises the individual LIAPs that are being offered by the transmission and distribution utilities in the State in accordance with this Chapter.

# Transmission and Distribution Utility

“Transmission and distribution utility” means a person, its lessees, trustees, receivers or trustees appointed by a court, owning, controlling, operating or managing a transmission and distribution plant for compensation within the State, except where the electricity is distributed by the entity that generates the electricity through private property alone solely for that entity’s own use or the use of the entity’s tenants and not for sale to others.

# Ventilator

“Ventilator” means equipment used to mechanically assist breathing by delivering air to the lungs. Ventilators, as defined, do not include Continuous Positive Airway Pressure (CPAP) or Bi-Level Positive Airway Pressure (Bi-Pap) machines.

# Continuous Positive Airway Pressure (CPAP)

CPAP machine provides air at one continuous prescribed pressure to the patient so that unobstructed breathing becomes possible. It does not breathe for the patient.

# Bi-Level Positive Airway Pressure (Bi-Pap)

Bi-Pap machine provides air at two levels of pressure: one for inhalation and a lower pressure during exhalation. It does not breathe for the patient.

# §2 PURPOSE OF THE STATEWIDE LOW-INCOME ASSISTANCE PLAN AND LIAPs

The purpose of the Statewide Low-Income Assistance Plan and the individual LIAPs is to establish a series of bill payment assistance programs which collectively cover the State for low- income residential customers that will:

1. Make participants’ electric bills more affordable;
2. Make assistance available to low-income customers throughout the State; and
3. Ensure that each transmission and distribution utility in the State has the funds necessary to implement a LIAP that addresses the need that exists in that particular transmission and distribution utility's service territory.

# §3 CREATION AND IMPLEMENTATION OF LIAPS

# Creation and Implementation of the LIAPs

Each transmission and distribution utility, except those exempted from electric restructuring under 35-A M.R.S. §3202(6), shall implement a LIAP. Each transmission and distribution utility that currently offers a LIAP shall continue to offer its LIAP.

# Review and Approval by Commission

The Commission will review and approve each transmission and distribution utility’s LIAP. Each transmission and distribution utility creating a new LIAP shall submit terms and conditions for its proposed LIAP to the Commission for review. The Director of CASD is delegated authority to review and approve each transmission and distribution utility’s LIAP. Each transmission and distribution utility proposing to modify its LIAP shall submit its request for approval of such changes to the Commission by July 1 in 2022 and by May 1 in subsequent years for modifications to the forthcoming LIAP program year.

# §4 REQUIRED DESIGN FEATURES OF A LIAP

Each LIAP shall have the following design features:

# Eligible Customers

Each transmission and distribution utility's LIAP shall be available to its customers who are taking residential electric service on a continuing year-round basis who meet the following eligibility criteria:

* 1. The customer or a member of the customer’s household is eligible for LIHEAP administered by MSHA or any means-tested program administered by DHHS and the customer’s household income is found to be at or below 75% of the federal poverty guidelines.
  2. The customer is not receiving a housing subsidy that limits the household’s total housing cost, including utilities, to a fixed percentage of the household’s income, with the exception of customers who qualify for participation in the oxygen pump or ventilator program pursuant to section 4(L)(3). These customers are eligible to participate in both the LIAP, as well as the oxygen pump and ventilator programs; and
  3. The customer qualifies for the transmission and distribution utility’s LIAP.

# LIAP Administration

Collectively, the LIAPs will be administered by the transmission and distribution utilities, the MSHA and other entities that may contract with the MSHA. This includes eligibility certification, benefit determination, and any other administrative duty necessary to carry out the intent of this Chapter.

# Native American Participation in LIAPs

Each transmission and distribution utility will enroll in its LIAP any customer that is certified to be eligible for LIHEAP by a tribal organization that is approved by the Federal Government to administer LIHEAP in the State of Maine.

# Transfer of Certification Information

Certification and enrollment information should be transferred in the most efficient, cost effective way possible between the utility and the agency responsible for certification and calculation of the benefit.

# Benefit Levels

Each LIAP shall vary benefits paid to ensure that participants more in need receive higher benefits than participants less in need, as measured by income level and expressed as a percentage of the federal poverty guidelines. For example, participants between 0% and 75% of the federal poverty guidelines shall receive a higher benefit than those between 76% and 100%. Similarly, participants between 101% and 125% of federal poverty guidelines shall receive a higher benefit than those over 125%. Each transmission and distribution utility's LIAP shall have a minimum of four separate categories of benefits

based on federal poverty guidelines, with the exception of percentage of income programs, which by design complies with the intent of this section.

# Lump Sum Benefit Program

* 1. **Default Lump Sum Benefit allocation method**. Transmission and distribution utilities utilizing a Lump Sum Benefit Program shall establish the annual benefit amount for each benefit level as described in subsection E above using a default allocation model provided annually by the Commission.
  2. **Minimum benefit amount**. Transmission and distribution utilities shall establish an annual “minimum benefit amount” that eligible participants will receive. This will ensure that all customers who are eligible for the LIAP receive a benefit. Transmission and distribution utilities shall file a tariff to be reviewed and approved by the Commission to establish the minimum benefit amount.
  3. **Alternative Lump Sum Benefit allocation method**. Upon application by a transmission and distribution utility made pursuant to section 3(B) above, the Director of CASD may approve an alternative Lump Sum Benefit allocation methodology that is consistent with the requirements of subsection E above.

# Enrollment

For LIAPs that provide a monthly benefit, the enrollment process shall be designed so that the participant receives a benefit on the next bill after the transmission and distribution utility's receipt of the participant's certification. If the bill will be issued within five business days after receipt of the certification, enrollment shall be completed before the following bill is issued. If enrollment is delayed, enrollment shall be retroactive to the first bill issued after certification. For LIAPs that provide benefits collectively on an annual basis, the benefit shall be credited to the participant's bill no later than June of the applicable program year. Nothing in this section limits benefit disbursements to a monthly or an annual basis.

# Statewide Low-Income Assistance Plan Funding

The Statewide Low-Income Assistance Plan will be funded by an assessment on each transmission and distribution utility as described in Section 5 of this Chapter.

# Relationship to Energy Management Services

As a condition of enrollment, a LIAP participant shall agree to accept energy management measures and programs offered at no cost by the participant's transmission and distribution utility, the Efficiency Maine Trust, the MSHA, or other federally or state-funded programs, for the participant’s dwelling or rental unit, unless the participant is a renter and the landlord withholds the required consent.

# Impact on Means-Tested Assistance Programs

The intent of this Chapter is that benefits provided will not be counted as income or as a resource in other means-tested assistance programs for low-income households. Each LIAP shall therefore be administered in a way that ensures that benefits will not result in the loss of other federal assistance dollars.

# Continuing Applicability of Chapter 815

Except as specifically varied by this Chapter or by terms and conditions approved by the Commission, the provisions of Chapter 815 shall continue to apply.

# Benefits Provided to Customers Using Oxygen Pumps or Ventilators

* 1. **Purpose of Oxygen Pump and Ventilator Benefits**

The Oxygen Pump and Ventilator Benefits provide financial assistance to low- income customers who, for health-related reasons, must use an oxygen pump or ventilator at least 8 hours each day. The benefit is intended to cover the full cost of operating an oxygen pump or ventilator, and must not reduce benefits provided under existing LIAPs required by this Chapter.

# Certification of Need

* + 1. Each transmission and distribution utility shall provide customers who use an oxygen pump or ventilator with a form approved by the Commission that documents the information listed below. The completed form must be signed and dated by the customer’s physician (or the patient’s physician, if the patient is not the customer), or the physician’s agent or designee. The form must, at a minimum, include the following information:
       1. The name of the patient using an oxygen pump or ventilator;
       2. The number of hours each day the patient must use an oxygen pump or ventilator;
       3. The period of time in days or months that it is anticipated the patient will need an oxygen pump or ventilator;
       4. The physical address (service location) at which the patient using an oxygen pump or ventilator resides; and
       5. Whether the customer is receiving a housing subsidy that limits the household’s total housing costs, including utilities, to a fixed percentage of the household’s income; and
       6. The name and utility account number of the eligible customer.
    2. Use of a form provided by the Commission will be considered in compliance with the information requirements of Section 4(L)(2)(a)(i)-(v).
    3. Each time a transmission and distribution utility provides a customer with a form pursuant to this section, the transmission and distribution utility must also provide notice that the form must be completed on an annual basis. The notice can either be part of the form or can be included as an attachment to the form.

# Eligibility

* 1. Transmission and distribution utilities shall provide a credit to each participant who annually qualifies to participate in the utility’s LIAP pursuant to section 4(A) and who submits certification as specified in Section 4(L)(2) that a member of the household must use an oxygen pump or ventilator at least 8 hours each day.
  2. Certification to receive the Oxygen Pump or Ventilator Benefit must be renewed for each LIAP program year. The certification form may be submitted prior to October 1 but no earlier than September 1 each year.
  3. The Oxygen Pump or Ventilator Benefit shall be applied to only one account per customer.
  4. In the event a customer receiving the Oxygen Pump or Ventilator Benefit moves to a new location either within or outside the same transmission and distribution utility’s service territory, the customer’s eligibility to receive the Oxygen Pump or Ventilator Benefit shall transfer to the new account. In these situations, the benefit at the second or subsequent location must reflect the remaining amount of time in that program year at the first or previous location, the customer is not eligible to receive an additional benefit at a subsequent location. In the event that a customer moves to a new transmission and distribution territory and requests eligibility for the Oxygen Pump or Ventilator Benefit, the transmission and distribution utility must ask the customer if they have received a benefit from their previous transmission and distribution utility.

# Effect on Other LIAP Benefits

* 1. The benefit for use of an oxygen pump or ventilator shall not reduce benefits provided, nor increase co-payments, under any other section of this Chapter.
  2. The following requirements apply to transmission and distribution utilities operating a percentage of income program (PIP):
     1. An eligible customer’s benefit will be recalculated in accordance with Section 4(L)(5) to consider the increased usage associated with the operation of the oxygen pump or ventilator beginning on the date the transmission and distribution utility receives the appropriately completed form specified in Section 4(L)(2);
     2. An eligible customer’s co-payment cannot increase due to the usage associated with an oxygen pump or ventilator, and the

overall benefit provided to eligible customers must reflect the usage associated with the oxygen pump or ventilator, even if that usage causes the total benefit amount to exceed a pre-established ceiling for a total benefit amount; and

* + 1. If the PIP bases the benefit amount on a customer’s electric usage for the previous 12 months and there is less than

12 months of oxygen pump or ventilator usage reflected in the historic consumption, an estimate of usage will be used until 12 months oxygen pump or ventilator usage is accumulated.

# Amount of Credit

* 1. The Oxygen Pump or Ventilator Benefit should be equivalent to the total cost of electricity to run the oxygen pump or ventilator, including both the supply cost and the delivery cost, for the number of hours and the duration indicated by the physician. The amount of the credit must not exceed the total household usage. The cost of electricity for operating an oxygen pump or ventilator will be calculated by multiplying the applicable monthly kWh in Table 1 or Table 2 by the appropriate price per kWh. For customers who enroll in the oxygen pump or ventilator assistance programs or terminate use of an oxygen pump or ventilator part way through a billing cycle, the daily kWh in Table 1 or Table 2 will be used to calculate the benefit for the partial month.
  2. Customers who submit the certification form specified in Section 4(L)(2) at the time they are enrolled in a transmission and distribution utility’s LIAP will receive a full year of the Oxygen Pump Benefit or the entire period of time specified by the patient’s physician, whichever time

period is less.

* 1. The benefit for customers who submit the certification form specified in Section 4(L)(2) during a LIAP program year will be calculated from the date the transmission and distribution utility receives the appropriately completed form to the end of that LIAP program year, the period of time for which the benefit is calculated, or the entire period of time specified by the patient’s physician, whichever time period is less.
  2. For transmission and distribution utilities providing a grace period for customers to recertify LIHEAP eligibility, the Oxygen Pump or Ventilator Benefit shall continue along with the LIAP benefit provided that the certification form specified in Section 4(L)(2) is submitted by October 1.

# §5 STATEWIDE LOW-INCOME ASSISTANCE PLAN FUNDING

# Creation of a Statewide Low-Income Assistance Plan Fund

* 1. **Purpose of the Fund**

A Statewide Low-Income Assistance Plan fund (the Fund) shall be established by the MSHA to: 1) reimburse each transmission and distribution utility whose funding obligation for the operation of its LIAPs exceeds its assessment;

2) reimburse each transmission and distribution utility for funds expended for the Oxygen Pump and Ventilator Benefit Program; and 3) fund the MSHA's costs to administer the Statewide Low-Income Assistance Plan and the individual LIAPs pursuant to Section 6 of this Chapter.

# Sources for the Fund

The Fund will consist of contributions by transmission and distribution utilities as directed by this Chapter; all money appropriated by the State for inclusion in the Fund; all interest, dividends and pecuniary gains from the investment of money in the Fund; and any other monies deposited in the Fund to implement the provisions of this Chapter.

# Separate Accounts of Fund

The Fund will consist of three separate accounts: one dedicated to LIAP benefits; one dedicated to Oxygen Pump and Ventilator benefits; and one dedicated to administrative expenses. Funds may not be exchanged between the accounts unless approved by the Commission.

# Transmission and Distribution Utilities' Funding Obligation for the Statewide Low- Income Assistance Plan for LIAP Program

* 1. **LIAP Benefits**

The total statewide spending for the LIAP benefits for the program year beginning October 1, 2022, shall be $15,000,000. This funding amount will continue each year thereafter unless modified by the Commission pursuant to this section. Funds owed to the MSHA pursuant to Section 5(E) shall be transferred in a form specified by the MSHA and will be forwarded in two installments, the first on December 15 and the second on March 15, annually for the program year that begins October 1 and placed into the "benefits account" within the Fund. The Commission shall, by November 1 of each program year, specify the amounts to be contributed by transmission and distribution utilities to the MSHA on December 15 and March 15 of each program year. Transmission and distribution utilities may also choose to forward the entire amount owed to MSHA pursuant to Section 5(E) on December 15.

# Oxygen Pump and Ventilator Benefits

The annual statewide spending for Oxygen Pump and Ventilator benefits shall be based upon the spending for the last completed program year for this program and will be established by Commission Order. Funds transferred pursuant to this section shall be remitted to the MSHA by October 7 of each program year and placed in the “Oxygen Pump and Ventilator benefit account” of the fund.

# Administrative Costs

The total statewide spending for administrative costs for the LIAPs for the year beginning October 1, 2001, shall be $291,164.00. This funding amount will continue each year thereafter unless modified by the Commission pursuant to this section. All funds transferred pursuant to this section shall be remitted to the MSHA by October 7 of each program year and placed in the "administrative account" of the Fund. The Commission may adjust the transmission and distribution utilities' contribution for administrative costs during a program year as necessary to ensure that the MSHA has sufficient funds to fully administer the LIAPs.

# Modifications to Assessment Level

* 1. **Overall Program Costs**

The Commission will monitor the needs of Maine’s low-income electric customers and will evaluate annual LIAP funding and expenditure levels and program design features. The Commission may, by April 1 of each year, adjust the overall assessment, each transmission and distribution utility's assessment, and the Lump Sum Benefit Allocation Model as necessary to ensure that the assistance provided by the LIAPs is consistent with the provisions of 35-A

M.R.S. §3214.

# Oxygen Pump and Ventilator Benefit Costs

The Commission will, by April 1 of each year, set the funding level for the Oxygen Pump and Ventilator Benefit Program. When setting the funding level, the Commission will consider the level of spending for the previous completed program year, as well as any other factors affecting the cost of electricity. The assessment process for this program will use the same methods as used to determine the assessment of the overall LIAP fund by multiplying the percentage of residential customers residing in each transmission and distribution utility’s service territory by the total statewide benefit.

# Apportionment of Funds

Each transmission and distribution utility shall be apportioned a specific funding amount for its LIAP pursuant to this section. The apportionment amount shall be calculated by multiplying the combined percentage of the LIHEAP and DHHS program eligible people in the State residing in each transmission and distribution utility’s service territory by the total LIAP funding amount for benefits (established in Section 5(B)(1)). A transmission and distribution utility may petition the Commission by March 1 for the upcoming program year to modify the apportionment rates used to establish the apportionments due to

demographic changes in the LIHEAP and DHHS populations. The Commission may itself order a change in the apportionment rates if LIHEAP and DHHS demographic statistics indicate that the percentage of the State’s LIAP eligible customers residing in each transmission and distribution utility’s service territory has changed.

# Transfer of Funds

* 1. **For Each Transmission and** D**istribution Utility whose LIAP Assessment Exceeds its Apportionment**

Each transmission and distribution utility whose LIAP assessment exceeds its apportionment pursuant to this section shall transfer the difference to the MSHA pursuant to Section 5(B)(1) of this Chapter.

# For Each Transmission and Distribution Utility whose LIAP Assessment is Less than its Apportionment

Each transmission and distribution utility whose LIAP assessment is less than its apportionment is entitled to receive funds from the MSHA in an amount equal to the amount of actual expenditures for LIAP benefits that exceed the transmission and distribution utility’s assessment level, up to, but not exceeding, the transmission and distribution utility’s apportionment level. No transmission and distribution utility will be eligible to receive reimbursement from the MSHA until its LIAP expenditures exceed its assessment amount. Transmission and distribution utilities will receive reimbursement from the MSHA on a quarterly basis, to the extent that the MSHA has sufficient funding for the individual transmission and distribution utility expenditures available for this purpose.

Reimbursement will be on a quarterly basis. The MSHA is not responsible or liable for a lack of funding and no transmission and distribution utility shall have any right or cause of action against the MSHA as a result of a lack of funding.

Any shortfalls in funding will be considered by the Commission in its review of funding needs for the Statewide Low-Income Assistance Plan as described in Section 5(C)(1).

# For Each Transmission and Distribution Utility whose LIAP Expenditures Exceed its Apportionment

No transmission and distribution utility will be reimbursed from the Fund for LIAP expenditures that exceed the transmission and distribution utility’s apportionment. Each transmission and distribution utility whose LIAP expenditures exceed its apportionment may make adjustments to its LIAP program to reduce spending levels pursuant to Section 3(B).

# 4. Oxygen Pump and Ventilator Benefits

Transmission and distribution utilities may request reimbursement from the MSHA on a quarterly basis for expenditures incurred in the previous quarter. Transmission and distribution utilities will receive reimbursement from the MSHA on a quarterly basis, to the extent that the MSHA has sufficient funding available for this purpose. Any shortfalls in funding will be considered by the

Commission in reviewing funding needs for the Oxygen Pump and Ventilator Benefits as described in Section 5(C)(2).

# §6 STATEWIDE LOW-INCOME ASSISTANCE PLAN AND LIAP ADMINISTRATION: ROLE OF THE MSHA AND THE DHHS

# Role of MSHA

The MSHA shall administer the LIAPs, and coordinate the administration of the LIAPs with the delivery of LIHEAP in Maine. Specifically, the MSHA (operating through the Community Action Agencies or other designated entities) shall determine eligibility to participate in a LIAP and inform the transmission and distribution utility serving the customer of the customer’s eligibility. The MSHA will be responsible for negotiating agreements with the Community Action Agencies or other designated entities necessary to carry out the intent of this section. Each transmission and distribution utility shall be responsible for making the necessary arrangements with the MSHA for administering its LIAP.

# Fiscal Oversight

* + 1. **Management of the Statewide Low-Income Assistance Plan Fund**

The MSHA shall create and manage the Statewide Low-Income Assistance Plan Fund pursuant to Section 5 of this Chapter. Funds submitted to MSHA pursuant to Section 5 shall be placed in an interest- bearing account in accordance with the MSHA's standard investment policies pertaining to funds held in trust.

# Contributions to and Reimbursements from the Statewide Low-Income Assistance Plan Fund

During each program year, the MSHA shall monitor and track payments made by transmission and distribution utilities to the "benefits" and "administrative" accounts of the Statewide Low-Income Assistance Plan fund to ensure the transmission and distribution utility’s compliance with Section 5 of this Chapter. The MSHA shall notify the Commission of any transmission and distribution utility that fails to make its required contribution. The MSHA will not be responsible for enforcing a transmission and distribution utility’s obligations under this section.

# LIAP Benefits

During each program year, the MSHA shall monitor and track benefits paid by transmission and distribution utilities to ensure that:

* + - 1. Transmission and distribution utilities spend their specified apportionments on LIAP benefits pursuant to Section 5(E);
      2. Transmission and distribution utilities contribute their specified assessments to fund benefits pursuant to Section 5(E); and
      3. A transmission and distribution utility seeks reimbursement from the Fund for only those costs incurred for LIAP benefits to its customers above the transmission and distribution utility’s assessment and up to the transmission and distribution utility’s apportionment, pursuant to Section 5(E).

# Statewide Low-Income Assistance Plan Administrative Expenses Incurred by the MSHA

The MSHA shall be reimbursed for its costs incurred for the administration of the Statewide Low-Income Assistance Plan in an amount not to exceed $291,164 or other amount established pursuant to Section 5(B)(2). In the event this amount does not fully cover the MSHA's costs to administer the Statewide Low-Income Assistance Plan, the Commission may increase the transmission and distribution utilities' contributions to the administrative account of the Fund pursuant to Section 5(B)(2) of this Chapter. Included in this amount shall be costs incurred by the Community Action Agencies and other MSHA-designated entities that are associated with the implementation and administration of the Statewide Low- Income Assistance Plan. Reimbursement for administrative costs pursuant to this section shall come from the "administrative account" of the Statewide Low- Income Assistance Plan fund. The MSHA shall maintain records accounting for the costs it has incurred in administering the Statewide Low-Income Assistance Plan, including those costs incurred by the Community Action Agencies and other MSHA-designated entities. The Commission or its agents shall have the authority to inspect and examine MSHA’s records of its administrative costs.

# Disputes Between the MSHA and its Designees

Any disagreements between the MSHA and entities designated by MSHA to administer the Statewide Low-Income Assistance Plan regarding compensation from the Fund for administrative duties carried out pursuant to this section shall be brought to the Commission for resolution.

# Reports to Commission

The MSHA shall file reports annually with the Commission covering the program year October 1 through September 30. The reports shall be filed with the Commission by the immediately following January 1 and will be in an electronic data format satisfactory to the Commission and the MSHA. The reports shall summarize and update program information including at a minimum the following information for each quarter of the program year:

# Total Number of Participants

The total number of households participating in each transmission and distribution utility’s LIAP.

# Reimbursement to Transmission and Distribution Utilities

The amount reimbursed from the fund in response to each transmission and distribution utility's statement of actual LIAP benefit amounts paid to

eligible customers over the transmission and distribution utility’s assessment amount.

# Funds Received from Transmission and Distribution Utilities

The amount received from each transmission and distribution utility, separately listing funds received to the "administrative account" and funds received to the "benefits account."

# Benefits Paid

The amount of benefits paid by each transmission and distribution utility, as well as total benefits paid.

# Fund Information

The amount of LIAP funds held by the MSHA, the interest earned by the fund, and projected spending for the pending program year.

# Oxygen Pump and Ventilator Benefit

The number of customers receiving a benefit for the use of an oxygen pump or ventilator pursuant to Section 4(L) of this Chapter, and the total amount of the benefits paid. Customers receiving a housing subsidy that limits the household’s total housing costs, including utilities, to a fixed percentage of the household’s income, must be stated separately.

# Other Information

Any other information concerning the administration and implementation of the LIAPs that the MSHA or the Commission believes would be useful for the Commission’s ongoing oversight of funding levels and program design. Reports filed by the MSHA pursuant to this section will be in an electronic data format satisfactory to the MSHA and the Commission.

# Record Maintenance

The MSHA shall maintain records that include at least the following information:

# Number of Customers Evaluated

The number of eligible customers evaluated for participation in the Statewide Low-Income Assistance Plan by each Community Action Agency or other entity authorized to determine eligibility for the applicable LIAPs.

# Income and Usage

The household income, electric usage, and dollar amount of the annualized LIAP benefit (for LIAPs where this information is available) for each customer determined to be eligible by a Community Action Agency or other MSHA-designated entity, the date of such determination, and the identity of the transmission and distribution utility notified of the eligibility and benefit amount (for programs where this information is available).

# Oxygen Pump and Ventilator Benefit

The number of customers receiving a benefit for the use of an oxygen pump or ventilator pursuant to Section 4(L) of this Chapter.

# 6. Coordination with Community Action Agencies

The MSHA may contract with Community Action Agencies or other entities throughout the State to administer the individual LIAPs. If circumstances require, the MSHA may, in its discretion, administer a LIAP locally or may contract with other entities, such as municipalities, to administer a LIAP in cooperation with LIHEAP and similar programs. The MSHA may establish application procedures, education and counseling, record retention, and reporting requirements applicable to ensure that entities administering the LIAPs do so locally in a manner that is cost effective and coordinated with the implementation of LIHEAP. The MSHA shall provide notice of the individual transmission and distribution utility’s LIAPs, including the Oxygen Pump and Ventilator Benefit, to customers applying for LIHEAP as well as in its mailings to clients about low-income assistance.

# Role of DHHS

DHHS will annually send a notification to all households participating in a DHHS administered program that are at or below 75% of the federal poverty guidelines notifying the household of the existence of the LIAP and of the household’s eligibility to participate in the LIAP. The notification will be sent during the month of September and will: 1) include the household’s address; 2) include the household’s total income amount

3) include a blank line for the potential participant to write in their utility account number; and 4) direct the household to contact their transmission and distribution utility to enroll in the LIAP.

# §7 OBLIGATIONS OF TRANSMISSION AND DISTRIBUTION UTILITIES

1. **Notice to Customers**
   1. **New Customers**

In its summary of rights and responsibilities provided to new customers pursuant to section 5 of Chapter 815, a transmission and distribution utility must explain to customers how they may become eligible and apply for credit for the use of an

oxygen pump or ventilator. Transmission and distribution utilities must also advise customers that the certification form required by Section 4(L)(2) must be submitted to the transmission and distribution utility on an annual basis.

# Notice in Association with the Winter Disconnection Rule

Each transmission and distribution utility shall include information regarding the existence of and eligibility criteria for the LIAP in any mailings by the transmission and distribution utility to comply with the Commission’s Winter Disconnection Rule. The information shall include, at a minimum, the eligibility criteria for the LIAP, how to apply for the LIAP, and how to apply for credit for the use of an oxygen pump or ventilator. The information shall also appear on the transmission and distribution utility’s web pages with other relevant customer service information targeted to residential customers.

# Enrollment of DHHS Program Eligible Customers

Each transmission and distribution utility shall enroll customers determined eligible for a means-tested program administered by the DHHS and whose household income is found to be at or below 75% of the federal poverty guidelines upon receipt of the notification provided by the DHHS to the customer referenced in section 6(B) above. A transmission and distribution utility may create a form on its website for an eligible customer to enroll electronically, which will include a process for the customer to file an electronic copy of the notification from DHHS. The transmission and distribution utility may also require the customer to provide an electronic or paper copy of the notification and the transmission and distribution utility will manually enroll the customer in its LIAP.

# Providing Information to MSHA, Community Action Agencies, or other MSHA Designated Entities

Upon the request of the MSHA, Community Action Agencies, or other MSHA designated entities, each transmission and distribution utility shall provide:

* 1. The prior 12 months usage for the customer's dwelling or the information necessary for the MSHA, Community Action Agency, or other MSHA- designated entity to estimate the usage for the upcoming 12 months for the dwelling;
  2. The estimated cost of electric service for the 12-month period specified by the MSHA or Community Action Agency for each eligible customer; and
  3. Any information needed to administer the transmission and distribution utility’s LIAP.

This information shall be transmitted electronically by the transmission and distribution utility to the MSHA, Community Action Agency, or other MSHA- designated entity in a format acceptable to the MSHA, unless the MSHA and the transmission and distribution utility agree that an alternative method of data transmission is acceptable. The MSHA or MSHA-designated entity shall obtain customer authorization to release account information prior to requesting such information from the transmission and distribution utilities. This may be

accomplished by including language necessary to release the account information in the LIAP application form.

# Energy Management Measures

Each transmission and distribution utility shall coordinate its funding and delivery of energy management programs with the implementation of its LIAP with respect to any such programs available to low-income electric customers through the MSHA, Community Action Agencies, or other MSHA designated entities.

# Reporting

Each transmission and distribution utility shall file quarterly reports with the MSHA and the Commission within 30 days of the closing of the quarter or year. The reports shall cumulatively summarize and update program information including the following minimum information for each month of the program year:

# Number of Participants in LIAP

The number of participants enrolled in its LIAP each month.

# Number of Participants Dropped from the LIAP

The number of participants dropped from the program by month.

# Number of Participants Receiving Oxygen Pump Benefits

The number of participants enrolled in its LIAP each month receiving a benefit for the use of an oxygen pump. Customers receiving a housing subsidy that limits the household’s total housing costs, including utilities, to a fixed percentage of the household’s income, must be stated separately.

# 4. Number of Participants Receiving Ventilator Benefits.

The number of participants enrolled in its LIAP each month receiving a benefit for the use of a ventilator. Customers receiving a housing subsidy that limits the household’s total housing costs, including utilities, to a fixed percentage of the household’s income, must be stated separately.

# 5. Oxygen Pump Benefit Amounts

The total benefit amount provided to customers each month for the use of an oxygen pump, pursuant to Section 4(L) of this Chapter. The amount attributable to customers receiving a housing subsidy that limits the household’s total housing costs, including utilities, to a fixed percentage of the household’s income, must be stated separately.

# 6. Ventilator Benefit Amounts

The total benefit amount provided to customers each month for the use of a ventilator, pursuant to Section 4(L) of the Chapter. The amount attributable to

customers receiving a housing subsidy that limits the household’s total housing costs, including utilities, to a fixed percentage of the household’s income, must be stated separately.

# LIAP Program Benefit Amounts

The total dollar amount of benefits provided to participants by month.

# Payments to the MSHA

The amount of program funding provided to the MSHA, separately listing LIAP benefits, Oxygen Pump and Ventilator Benefits, and administrative costs.

# Reimbursements Received from the MSHA

The amount of funds received from the MSHA for reimbursement of LIAP and Oxygen Pump and Ventilator expenditures.

# Reimbursement Requests made to the MSHA

The amount of funds requested for reimbursement from the MSHA.

# Projected LIAP Benefits

The projected amount of LIAP benefits to be paid for the remainder of the program year and the difference between projected costs and the LIAP funding amount for the program year.

# Administrative Funds Provided to MSHA

Funds provided to the MSHA for administrative costs pursuant to Section 5(B)(2).

The reports required in this subsection shall be filed within 30 days of the conclusion of each quarter and the end of each program year.

# §8 WAIVER

Upon the request of any person subject to this Chapter, or upon its own motion, the Commission may, for good cause, waive any requirement of this Chapter that is not required by statute. The waiver may not be inconsistent with the purposes of this Chapter or Title 35-A. The Commission, the Director of the Consumer Assistance and Safety Division, or the presiding officer assigned to a proceeding related to this Chapter may grant the waiver.

**TABLE 1**

# Oxygen Pump Usage

|  |  |  |
| --- | --- | --- |
| **Hours/Day Oxygen Pump is Used** | **Daily kWh** | **Monthly kWh** |
| 8 | 2.80 | 84 |
| 9 | 3.17 | 95 |
| 10 | 3.50 | 105 |
| 11 | 3.87 | 116 |
| 12 | 4.20 | 126 |
| 13 | 4.57 | 137 |
| 14 | 4.90 | 147 |
| 15 | 5.27 | 158 |
| 16 | 5.60 | 168 |
| 17 | 5.97 | 179 |
| 18 | 6.30 | 189 |
| 19 | 6.67 | 200 |
| 20 | 7.00 | 210 |
| 21 | 7.37 | 221 |
| 22 | 7.70 | 231 |
| 23 | 8.07 | 242 |
| 24 | 8.40 | 252 |

**TABLE 2**

# Ventilator Usage

|  |  |  |
| --- | --- | --- |
| **Hours/Day Ventilator is Used** | **Daily kWh** | **Monthly kWh** |
| 8 | 1.77 | 53 |
| 9 | 1.97 | 59 |
| 10 | 2.20 | 66 |
| 11 | 2.43 | 73 |
| 12 | 2.63 | 79 |
| 13 | 2.87 | 86 |
| 14 | 3.07 | 92 |
| 15 | 3.30 | 99 |
| 16 | 3.53 | 106 |
| 17 | 3.73 | 112 |
| 18 | 3.97 | 119 |
| 19 | 4.17 | 125 |
| 20 | 4.40 | 132 |
| 21 | 4.63 | 139 |
| 22 | 4.83 | 145 |
| 23 | 5.07 | 152 |
| 24 | 5.27 | 158 |

**STATUTORY AUTHORITY**:

35-A M.R.S. §§ 104, 111, 704, 1308 and 3214

**EFFECTIVE DATE**: This rule was approved as to the form and legality by the Attorney General August 7, 2001. It was filed with the Secretary of State on August 9, 2001 and became effective on August 14, 2001 (filing 2001-357).

**EFFECTIVE DATE**: This rule was approved as to the form and legality by the Attorney General on March 27, 2006. It was filed with the Secretary of State on March 28, 2006 and became effective April 2, 2006 (filing 2006-132).

**EFFECTIVE DATE**: This rule was approved as to the form and legality by the Attorney General on September 25, 2007. It was filed with the Secretary of State on September 25, 2007, and became effective on October 1, 2007 (filing 2007-417).

**EFFECTIVE DATE**: This rule was approved as to the form and legality by the Attorney General on July 25, 2013. It was filed with the Secretary of State on July 26, 2013, and became effective on July 31, 2013 (filing 2013-181).

**EFFECTIVE DATE**: This rule was approved as to the form and legality by the Attorney General on July 19, 2017. It was filed with the Secretary of State on July 20, 2017, and became effective on July 25, 2017 (filing 2017-110).

**EFFECTIVE DATE**: This rule was approved as to the form and legality by the Attorney General on May 23, 2022. It was filed with the Secretary of State on May 23, 2022 and became effective on May 28, 2022 (filing 2022-096).