



# **Report on the proposed framework for low- income emergency financial assistance**

## **Final report of the emergency Financial Assistance Working Group to the Ontario Energy Board**

September 30, 2009



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**INDECO** 

**DISCLAIMER:**

Information contained in this report represents the views of the organizations participating in the emergency Financial Assistance Working Group as expressed in working group meetings and subsequent comments on the draft report. The information in the report does not necessarily represent the views of, and should not be attributed to, the Ontario Energy Board or Board staff. In providing these views, participants were not informed by the letter of September 8, 2009 from the Minister of Energy and Infrastructure or the Board's subsequent announcements regarding the implementation of programs to provide assistance to low-income energy consumers.

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## Acknowledgements

IndEco sincerely thanks the emergency Financial Assistance Working Group members for their time, dedication, and diligent efforts to reach consensus on all issues related to the development of this report. Considering the array of priorities and mandates around the table, significant agreement was reached on all elements of the framework. The result of these efforts is reflected in a framework to provide emergency financial assistance to low-income energy consumers.

Sincere thanks to Board Staff for their technical and logistical support in the planning and delivery of the working group meetings.

All of your efforts are very much appreciated.



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# Contents

<b>1</b>	<b>Introduction.....</b>	<b>1</b>
1.1	Background to the OEB consultation .....	1
1.2	Purpose of the emergency Financial Assistance Working Group .....	1
1.3	The development of this report .....	4
1.4	Content of the report.....	5
<b>2</b>	<b>Guiding principles for low-income emergency financial assistance .....</b>	<b>7</b>
2.1	The guiding principles .....	7
<b>3</b>	<b>Framework for low-income emergency financial assistance .....</b>	<b>9</b>
3.1	Roles and responsibilities.....	9
3.2	Eligibility and screening.....	23
3.3	Intake and application administration .....	32
3.4	Promotion and outreach .....	35
3.5	Tracking and reporting.....	37
3.6	Funding .....	39
3.7	Long-term coordination and administration of the emergency financial assistance program .....	45
<b>Appendix A.</b>	<b>Written comments on the draft report .....</b>	<b>46</b>
<b>Appendix B.</b>	<b>Written comments on the revised draft final report .....</b>	<b>47</b>
<b>Appendix C.</b>	<b>Direct Energy and LIEN strawman template submissions .....</b>	<b>48</b>



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# 1 Introduction

## 1.1 Background to the OEB consultation

In July 2008, the Ontario Energy Board (“Board”) initiated a consultation to examine issues associated with low-income energy consumers in relation to their use of natural gas and electricity. On March 10<sup>th</sup> 2009, the Board issued a “Report of the Board: Low-Income Energy Assistance Program,” (“LEAP Report”) which describes the policies and measures that the Board expects electricity and natural gas distributors to put in place in order to assist low-income energy consumers in relation to their use of natural gas and electricity. The Low-Income Energy Assistance Program, or LEAP, is comprised of three components:

- Temporary emergency financial assistance for low-income energy consumers in need. (This component is addressed by the emergency Financial Assistance Working Group as part of this process.)
- Access to more flexible customer rules on matters such as billing, bill payment, disconnections, security deposits and arrears management. (This component is addressed in another Board proceeding.)
- Targeted electricity conservation and demand management (“CDM”); and natural gas demand side management (“DSM”). (This component is addressed by the Conservation Working Group.)

## 1.2 Purpose of the emergency Financial Assistance Working Group

On May 11<sup>th</sup> 2009, the Board issued a letter announcing the formation of two working groups to further the work necessary to implement the emergency financial assistance and conservation components of LEAP. The letter indicated that the role of the emergency Financial Assistance Working Group would be to develop a framework for the delivery of emergency financial assistance to low-income energy consumers in need and for the long-term coordination of the emergency financial assistance program.

As outlined in the Board’s May 11<sup>th</sup> letter, specific issues for the emergency Financial Assistance Working Group to address are:

- Appropriate eligibility criteria to ensure consistent treatment of low-income energy consumers
- Distributor partnerships with social agencies
- Customer application process

- Reporting requirements for both social agencies and utilities
- Communications and education of consumers regarding LEAP
- Overall coordination and administration of LEAP

In the May 11<sup>th</sup> letter, the Board requested nominations of members to one or more working groups. The Board received twenty-six nominations for the emergency Financial Assistance Working Group. The Board reviewed each of the nominations, but due to the large number of nominations received it was not possible to accommodate all interested parties. Fifteen parties were selected for each of the working groups and represent relevant constituencies: low-income and other ratepayers, environmental interests, social service providers, natural gas distributors, small and large electricity distributors and various levels of government. The composition was selected to achieve an appropriate balance of the relevant interests, while maintaining the size of each of the working groups at a level that would optimize efficiency.

On June 5<sup>th</sup> 2009 the Board issued a letter announcing the membership of each of the working groups. The membership of the emergency Financial Assistance Working Group is shown below in Table 1.

**Table 1 LEAP emergency Financial Assistance Working Group membership**

<b>Representing</b>	<b>Working Group Member</b>
Consumers Council of Canada (CCC)	Julie Girvan <sup>1</sup>
Coalition of Large Distributors (CLD)	Jack Lenartowicz
Cornerstone Hydro Electric Concepts (CHEC)	Gord Eamer
Direct Energy (DE)	Chantelle Bramley
Enbridge Gas Distribution (Enbridge)	Manny Sousa
Housing Help Association of Ontario (HHOA)	Mary Anne Rowlands
Hydro One Networks (Hydro One)	Barb Allen
Low Income Energy Network (LIEN)	Sarah Blackstock & Jennifer Lopinski
Ministry of Energy and Infrastructure (MEI)	Chris Goethel
Neighbourhood Information Post (NIP)	Gladys Wong
Peterborough Distribution Inc. (PDI)	David Whitehouse
Salvation Army Centre of Hope (Centre of Hope)	Debra Johnston
Union Gas (Union)	Patricia Phillips
United Way Toronto (United Way)	Steve Lavery
Vulnerable Energy Consumers Coalition / Energy Probe (VECC) <sup>2</sup>	William Harper

<sup>1</sup> The nominations of Julie Girvan (CCC) and William Harper (VECC) were supported by the Canadian Manufacturers and Exporters (CME).

<sup>2</sup> VECC is currently comprised of, and represents, the Ontario Coalition of Senior Citizens (OCSCO) and the Federation of Metro Tenants Association.

On June 22<sup>nd</sup>, the Board retained IndEco Strategic Consulting Inc. (“IndEco”) to facilitate the emergency Financial Assistance Working Group<sup>3</sup> and to liaise with the Conservation Working Group. IndEco was asked to address overlap issues and to keep the emergency Financial Assistance Working Group members abreast of progress on conservation matters related to the Conservation Working Group.

### *1.3 The development of this report*

The emergency Financial Assistance Working Group met in June, July and August 2009 over a period of 9 weeks to prepare recommendations to the Board on emergency financial assistance for low-income energy consumers in need. The minutes of the meetings are posted on the Board’s website. During these meetings, working group members as well as external presenters made presentations to the group addressing various topics and issues. These presentations are also posted on the Board’s website.

The working group met 5 times: June 30<sup>th</sup>, July 7<sup>th</sup>, July 21<sup>st</sup>, August 4<sup>th</sup> and August 25<sup>th</sup>. At the June 30<sup>th</sup> meeting, working group members were introduced to the mandate of the emergency Financial Assistance Working Group and began discussions regarding principles for guiding the development of the framework and on the eligibility criteria for the emergency financial assistance program. During the series of meetings the members developed the guiding principles and the eligibility criteria, and discussed and reached broad consensus on other elements of the program framework including intake and application administration, promotion and outreach, tracking and reporting, funding, roles and responsibilities and long-term coordination and administration. In developing the framework working group members drew considerably on the current practices of existing emergency financial assistance programs with respect to intake and application administration. At the August 4<sup>th</sup> meeting the members were asked to present their strawmen frameworks based on a framework template provided by the facilitator. As a next step in the process, the members were asked to complete a template containing all elements of the framework including roles and responsibilities for each stakeholder and submit their framework template to the facilitator by August 10<sup>th</sup> for consolidation.

At the August 25<sup>th</sup> meeting, the facilitator presented a draft organizational model of the program to the working group members for their feedback and discussion. The organizational model was based on the strawmen frameworks submitted to the facilitator by the working group members. Based on the feedback received at the August 25<sup>th</sup> meeting, IndEco prepared a draft report on the proposed framework for low-income emergency financial assistance. A draft of this report was distributed to the working group members on September 1<sup>st</sup>. Feedback was submitted

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<sup>3</sup> IndEco was also retained by the Board to facilitate the Conservation Working Group.

to the facilitator by September 10<sup>th</sup>; these verbatim comments are included in Appendix A. The written submissions were used to prepare the revised draft final report, distributed to the working group members on September 18<sup>th</sup>. Feedback was submitted by the working group members to the facilitator on the revised draft final report on September 23<sup>rd</sup>; these verbatim comments are included in Appendix B of this report. Based on this second round of comments, the report was revised and finalized.

This final report contains the guiding principles and framework for a province-wide low-income emergency financial assistance program. More work is required by the Board to develop the details of program design and implementation. Several working group members suggested program details in their written comments. These program details are available in their submissions in the appendices of this report.

As described in the Board's LEAP Report, the Board was of the view that LEAP should be available across the province by November 2009. Due to the amount of preparation and coordination required to develop and implement the emergency financial assistance program, Board Staff recognized that this program could not be launched by this time. At the final emergency Financial Assistance Working Group meeting, Board Staff indicated that a contingency plan for November 2009 was being developed and asked the working group members for feedback on existing emergency financial assistance programs (e.g. Winter Warmth), and opportunities to implement and expand these programs for the upcoming winter season. The next steps and the launch date for the emergency financial assistance program will be determined by the Board.

#### *1.4 Content of the report*

IndEco has prepared this final report based on the framework templates submitted by the working group members on August 10<sup>th</sup>, the subsequent discussions that took place at the August 25<sup>th</sup> meeting, and the submitted written comments on the draft report and revised draft final report. This report includes discussion of the guiding principles, roles and responsibilities (organizational model) and all elements of the framework including eligibility and screening criteria, intake and application administration, promotion and outreach, tracking and reporting, funding, and long-term coordination.

The foundation for the working group discussions (and this report) is the Board's LEAP Report. The content of the LEAP Report was accepted as written by the working group members; while some working group members did not fully agree with all decisions in the LEAP Report, all working group members contributed fully and in good faith to the working group meetings and to the development of this final report.

This final report presents the consensus, defined in this report as agreement by all but one of the working group members, as well as the differing view(s) of the emergency Financial Assistance Working Group members. Chapter 2 contains the guiding principles for low-income emergency financial assistance, developed by the working group and adapted from the Board's guiding principles for LEAP. These principles are used to guide the program framework and are at the core of all program prescriptions. Chapter 3 contains the elements of the framework, indicating areas of consensus among the working group and non-consensus issues that require resolution by the Board. Appendix A contains the written comments submitted by the emergency Financial Assistance Working Group members on the draft report. Appendix B contains the written comments submitted by the emergency Financial Assistance Working Group members on the revised draft final report. Appendix C contains the template submissions of Direct Energy and LIEN that are referenced in the report. All comments presented in the appendices are as they were received by the facilitator.

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## 2 Guiding principles for low-income emergency financial assistance

In the Board's LEAP Report, the Board established a set of principles to guide it in developing policies regarding low-income energy consumers. Building on and consistent with these principles, the emergency Financial Assistance Working Group developed a set of principles to guide the development of the framework for the Board's emergency financial assistance program for low-income energy consumers in need.

### 2.1 *The guiding principles*

The emergency Financial Assistance Working Group has developed the following principles to guide the development of the framework for the Board's emergency financial assistance program for low-income energy consumers in need. The principles below represent consensus among the working group members, which is defined in this report as agreement by all but one of the working group members.

Working Group members, in developing the emergency financial assistance framework, have adopted the Board's view that providing assistance to low-income energy consumers is an important program that should be provided by Board-regulated utilities. The working group recognizes that the emergency financial assistance program alone is not intended to address the broader problem of poverty in Ontario, or even that of energy poverty; and the framework should be designed to provide some relief in response to short-term affordability issues.

In implementing the framework, the emergency Financial Assistance Working Group recognizes that, while there must be a level of consistency in program delivery across the province, there must also be adequate flexibility in delivery to take into account the variability of the nearly 90 energy utilities in the province. Flexibility is also needed so that the program can help as many in-need low-income people as possible, while minimizing the strain on resources for utilities and social service agencies. It is also recognized by the working group that the first year of the program will be a learning year for all stakeholders, and reporting and evaluations will be valuable for program improvements.

These guiding principles represent a broad approach to low-income emergency financial assistance in Ontario:

1. Emergency financial assistance should be available to low-income energy consumers of natural gas and electricity.

2. Funding for low-income energy consumers should be accessible on a province-wide basis.<sup>4</sup>
3. There should be consistency in the emergency financial assistance program across the province regarding access, with flexibility in delivery.
4. Partnerships should be developed between social service agencies and utilities and other stakeholders.
5. Eligibility for the emergency financial assistance program should be based on need, and screened using the emergency financial assistance program eligibility criteria applied with the judgment and discretion of the responsible social service agencies.
6. An emergency financial assistance program should not be unduly costly or complicated to administer or access.
7. The process for applying to the emergency financial assistance program should be clear and transparent.
8. Administration of the emergency financial assistance program should be efficient and effective in minimizing ratepayer impact.
9. The emergency financial assistance program should help low-income energy consumers maintain energy services.
10. The emergency financial assistance program should complement the existing landscape of assistance to low-income energy consumers.
11. The emergency financial assistance program should be coordinated with other energy and emergency financial assistance programs at the delivery level to avoid duplication of administration and effort.
12. The emergency financial assistance program should promote the transfer of the applicant to non-emergency energy and social service programs.

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<sup>4</sup> Access to the emergency financial assistance program applies to all customers of Ontario Energy Board regulated electric and natural gas utilities.

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## 3 Framework for low-income emergency financial assistance

This chapter describes the consensus and non-consensus views of the emergency Financial Assistance Working Group on the framework elements for the low-income emergency financial assistance program. Under each of the framework elements the consensus view is presented, followed by issues of non-consensus. Consensus refers to agreement by all but one of the working group members. These consensus views were identified by the facilitator through the written submissions provided by working group members on the draft report and the revised draft final report.

Differing views are described as non-consensus views. These views are presented as responses to questions; the majority view is summarized, the issue is defined and the alternative views of working group members are stated. These views are stated verbatim, as submitted to the facilitator in written submissions on the draft report and revised draft final report.

The report includes discussion at the framework level of roles and responsibilities, eligibility and screening criteria, intake and application administration, promotion and outreach, tracking and reporting, funding, and long-term coordination for the emergency financial assistance program. As this report only presents the emergency financial assistance program at a framework level, more work is required by the Board to develop the details of program design and implementation. Several working group members suggested program details in their written submissions on the draft report. These program details are available in their comments in the appendices.

This framework represents significant consensus among the working group members and is expected to be very helpful to the Board in developing the emergency financial assistance program.

### 3.1 Roles and responsibilities

#### **Consensus**

There was consensus among the emergency Financial Assistance Working Group that the following parties will have a role in the emergency financial assistance program:

- Ontario Energy Board (“Board”)
- A program Steering Committee
- A Central Coordinating Body

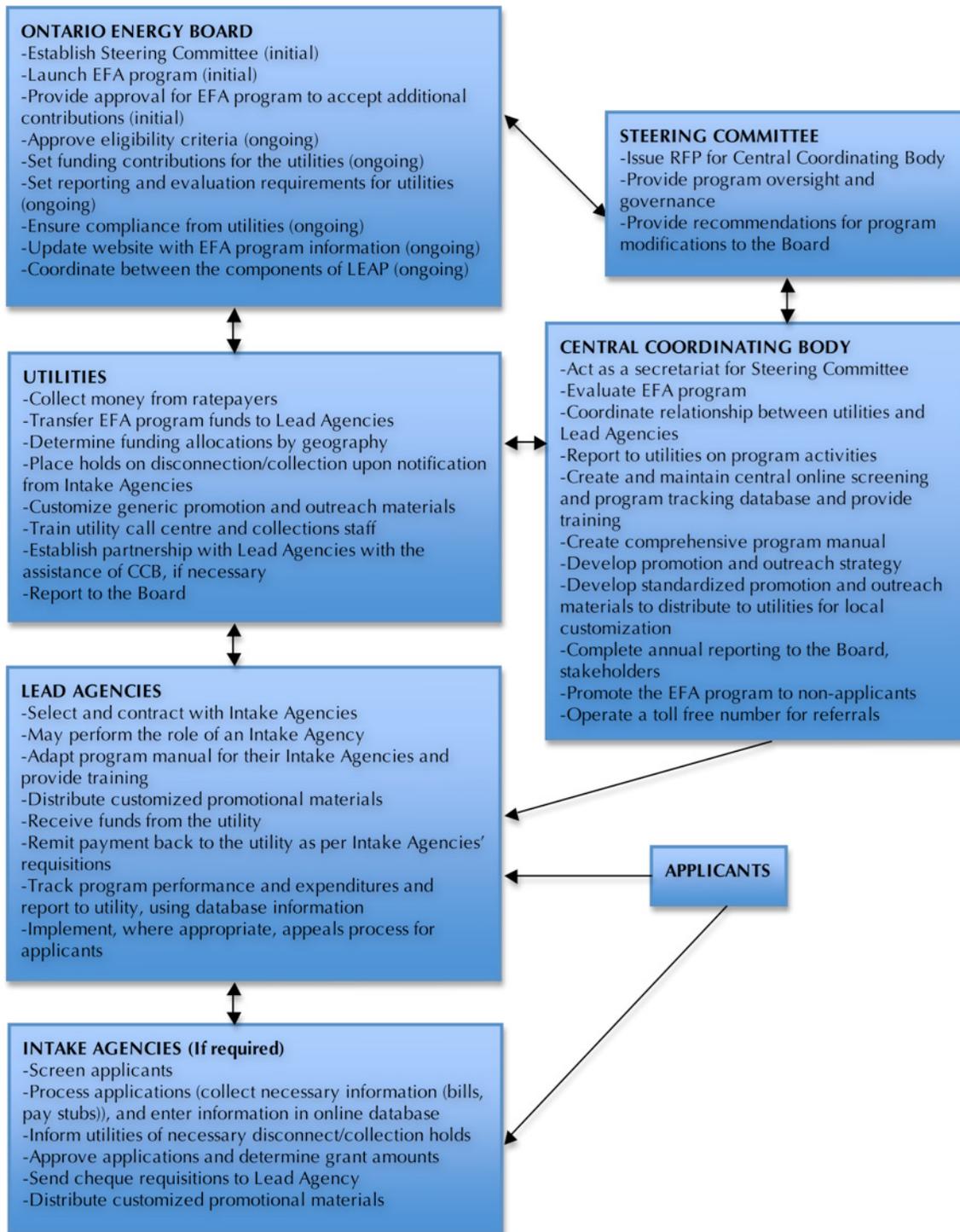
- Electric and natural gas utilities (“utilities”)
- Lead Agencies
- Intake Agencies
- Applicants

A schematic representation of these parties and their roles and responsibilities is shown in Figure 1. These roles and responsibilities are also described below.

One of the working group members, in the written comments provided, had issue with the organizational model and subsequent roles and responsibilities presented in the draft report. An alternative organizational model was submitted by the working group member and is presented in the non-consensus section of this chapter. Disagreement with the consensus organizational model means that the non-consensus view is implicit in all elements of the framework regarding the roles and responsibilities of the parties involved.

To avoid duplication in this report, the specific roles and responsibilities of each party related to each of the framework elements (e.g. intake and application administration, promotion and outreach, etc.) are described within the relevant sections. This section provides a general overview of the roles and responsibilities of each of the parties. In the written submissions, several additional roles and responsibilities for each of the parties were suggested by the working group members. Since these additional roles and responsibilities were not discussed at the working group meetings, these have not been added to the consensus view, but instead have been identified as additional roles and responsibilities and are presented following the presentation of the consensus view. Some working group members provided feedback on these additional roles and responsibilities as part of their comments on the revised draft final report, and these comments are included below each additional role and responsibility where applicable.

**Figure 1 Roles and responsibilities in the emergency financial assistance program**



## **Ontario Energy Board (“Board”)**

The working group members agreed that the Board initially will be responsible for the following tasks related to the emergency financial assistance program:

- Establishing a Steering Committee for the emergency financial assistance program
- Launching the emergency financial assistance program
- Providing approval for the emergency financial assistance program to accept financial contributions from other parties (e.g. energy retailers and marketers, utility shareholders, customers and employees, etc.)

The working group agreed that the Board will be responsible on an on-going basis for the following tasks related to the emergency financial assistance program:

- Approving the eligibility criteria for the emergency financial assistance program
- Establishing the level of funding contributions for the natural gas and electric utilities (the greater of 0.12% of Board-approved total distribution revenue or \$2000) <sup>5</sup>
- Establishing the reporting and evaluation requirements for the utilities
- Ensuring regulatory compliance from the utilities and issuing orders, as necessary, to ensure utilities recover the amount of funding contributions and administration fee costs
- Including information about the emergency financial assistance program on the Board website (e.g. inventory list of all agencies delivering the program) and keeping the website up to date
- Ensuring coordination between the components of LEAP (e.g. DSM/CDM)

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<sup>5</sup> Current funding level as stated by the Board in the LEAP Report.

## *Additional roles and responsibilities*

Additional roles and responsibilities for the Board presented by working group members in their submissions on the draft report are:

- Establishing funding guidelines for setting geographic allocations, to help reduce inconsistencies across the province, and to help avoid misunderstandings and issues after the program has begun<sup>6</sup>
- Collecting program funds in fall 2009 and collecting interest on these funds until the program is implemented in 2010, to help with large one-time costs (e.g. developing the central online database)

CCC: If this were to be implemented, CCC has questions related to the funding: “collect what funds, from whom and on what basis?”

CLD: “The CLD notes that the (Board) does not currently have the jurisdiction to ‘collect program funds’ from customers, and while it can certainly direct utilities, over a period of time, to collect funds through rates for the purpose of funding an approved or mandated expense, it is not in the (Board’s) practice to issue such directives for the sole purpose of potential investment gains. Given these concerns, the CLD cautions against including this statement as part of the Final Report.”

VECC: “Most distributors do not have any provision in their current 2009 rates for such funding. Also, to the extent utilities do have funding dollars, reference is made (in section 1.3) to a contingency plan for the period prior to implementation later in 2010 based on existing emergency financial assistance programs. Presumably, the contingency plan would require access to these program funds... VECC does not agree with the suggestion that the (Board) should hold and invest the funds—this is not its role.”

- Establishing the requirement that program participants will allow retrofits recommended in the future by the DSM/CDM portion of the LEAP program. This will support the long-term goal of coordination of the LEAP programs and further assist low-income customers manage their energy bills.<sup>7</sup>

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<sup>6</sup> Determining funding allocations within their service territory by geography is a role and responsibility of the utilities.

<sup>7</sup> The consensus framework states that different parties will be responsible for establishing the reporting (Central Coordinating Body in consultation with other parties) and evaluation requirements of the program (Board or Steering Committee). It is VECC’s view that the reporting and evaluation requirements should be established by the same party.

- Establishing objectives and targets for the evaluation of the emergency financial assistance program by the Central Coordinating Body. Setting the objectives and targets may be a responsibility of the Steering Committee rather than the Board
- Developing a standard formula to set the level of compensation provided to the Central Coordinating Body for additional services which the Central Coordinating Body delivers to the utilities (e.g. coordination of Lead Agencies, additional reporting)
- Establishing the reporting and evaluation requirements for the Central Coordinating Body, based on input from the Steering Committee

### **Steering Committee**

The working group members agreed that a Steering Committee will be established for the emergency financial assistance program. This Steering Committee will be appointed by the Board and consist of representatives from natural gas and electric utilities, social service agencies and the Board. Where possible, representatives on this Steering Committee will represent different areas of the province (e.g. north, south, east and west) and rural and urban areas).

The working group agreed that the Steering Committee will be responsible for:

- Providing program oversight and governance
- Developing and issuing (exclusive of the social service agency representatives) a request for proposals (RFP) for the selection of the program's Central Coordinating Body. The proposals submitted in response to this RFP will be evaluated by the Steering Committee (exclusive of the social service agency representatives, to avoid a conflict of interest) based on a range of criteria, not just cost; the least cost bid may not necessarily be chosen
- Providing recommendations to the Board for program modifications (e.g. eligibility criteria, tracking and reporting etc.) on a regular basis

### ***Additional roles and responsibilities***

Additional roles and responsibilities for the Steering Committee presented by working group members in their submissions on the draft report are:

- Posting for comment (by all stakeholders) recommendations made to the Board for program modifications (e.g. eligibility criteria, tracking and reporting etc.)
- Establishing objectives and targets for the evaluation of the emergency financial assistance program to be conducted by the Central Coordinating Body. This may be a responsibility of the Board rather than the Steering Committee<sup>8</sup>

### **Central Coordinating Body**

The working group members agreed that a Central Coordinating Body will be established for the program. This Central Coordinating Body will be selected through an RFP process administered by the Steering Committee (utility and Board Staff members only). The purpose of the Central Coordinating Body is to support the Steering Committee, perform functions that are more efficiently and effectively accomplished when centralized and to support the utilities and Lead Agencies in carrying out their responsibilities. To the extent practical, the Central Coordinating Body should draw on the expertise of the other parties in the program.

The Central Coordinating Body will be responsible for:

### ***Steering Committee support***

- Performing a secretariat role for the Steering Committee
- Evaluating the emergency financial assistance program and making program recommendations to the Steering Committee, which will be included in the Steering Committee's recommendations to the Board

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<sup>8</sup> The consensus framework states that different parties will be responsible for establishing the reporting (Central Coordinating Body in consultation with other parties) and evaluation requirements of the program (Board or Steering Committee). It is VECC's view that the reporting and evaluation requirements should be established by the same party.

### ***Utility support***

- Facilitating the relationship between utilities and Lead Agencies. In selecting and retaining Lead Agencies, utilities may:
  - Renew existing contracts or agreements with social service agencies, where a relationship already exists
  - Issue an RFP for Lead Agencies independently
  - Collaborate with other utilities and issue a joint RFP for a common Lead Agency
  - Seek leadership from the Central Coordinating Body to issue an RFP on behalf of one or more utilities

Whatever option is selected by the utilities, the Central Coordinating Body can provide the utilities with guidance of what information to include in the RFPs that they issue.

- Reporting to the utilities on program activities and operations using the central online database

### ***Program materials***

- Producing a comprehensive program manual (based on the existing Winter Warmth manual<sup>9</sup>)
- Developing and maintaining a central online screening and program tracking database. This central database will have appropriate provisions in place to protect the privacy of applicants. The Central Coordinating Body will provide training to Lead Agencies on the use of this central online database. This database will be a tool to support implementation of the program, as defined by the program manual, and the established reporting requirements.

### ***Promotion and outreach***

- Developing a common promotion and outreach strategy for the program in accordance with the approach set out in Section 3.4 (e.g. determining what materials should be developed and points of distribution)
- Producing standardized promotion and outreach materials for local customization and use by utilities<sup>10</sup>

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<sup>9</sup> Building on an existing proven resource will avoid 'reinventing the wheel', and allow for more cost-effective and timely production.

- Promoting the emergency financial assistance program to non-applicants
- Operating a toll free number for program information and referrals to the caller's nearest Intake Agency

The creation of the Steering Committee and Central Coordinating Body will increase the program's efficiency and alleviate some of the workload from the Lead Agencies and utilities, as there are economies of scale through this type of centralization.

### ***Additional roles and responsibilities***

Additional roles and responsibilities for the Central Coordinating Body presented by working group members in their submissions on the draft report are:

- Providing reports to the Steering Committee, as requested, on program activities and operations using the central online database
- Accepting and pooling program funds from utilities with multiple Lead Agencies

### **Utilities**

The working group members agreed that the natural gas and electric utilities will continue to work with their customers to facilitate bill payments and bill payment options. Additionally, utilities will be responsible for:

### ***Funding***

- Collecting money from ratepayers for the emergency financial assistance program in an amount established by the Board (the greater of 0.12% of Board-approved total distribution revenue or \$2000)<sup>11</sup>
- Transferring the program funds to Lead Agencies
- Determining funding allocations within their service territory by geography<sup>12</sup>

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<sup>10</sup> A utility can decide on the need for, and type of, customization that may be necessary to address local conditions and can either use the materials provided or can develop its own materials.

<sup>11</sup> Current funding level as stated by the Board in the LEAP Report.

<sup>12</sup> This may be according to guidelines set by the Board (see additional Board roles and responsibilities).

### ***Promotion and outreach***

- Customizing the generic promotion and outreach materials produced by the Central Coordinating Body for local use, if desired
- Distributing the customized promotional materials according to the promotion and outreach strategy developed for the program

### ***Intake and application administration***

- Training utility call centre and collections staff on the emergency financial assistance program
- Establishing partnerships, contracts and operational procedures with Lead Agencies. Use an RFP where necessary, and with the assistance of the Central Coordinating Body, if needed
- Placing holds on applicants' disconnections and collections upon notification from Intake Agencies
- Confirming customer and account information used in determining program eligibility

### ***Tracking and reporting***

- Reporting to the Board on program activities in accordance with the requirements established by the Board

### ***Additional roles and responsibilities***

Additional roles and responsibilities for the utilities presented by working group members in their submissions on the draft report are:

- Developing and adopting an early detection program for identifying customers who are likely to be low-income using their customer information systems (e.g. determination is made through information collected during the establishment of deferred payment plans, or through information obtained at the time of a service application)

Hydro One: "We do not agree with this recommendation. Utilities do not have financial information to deem a customer as low-income, and this is the role of the social service agency. In addition, utilities do not have personal situation information that may contribute to this evaluation. Information available in the customer information system will relate only to payment habits, and there may be no direct relation between this and income levels. Information collected when establishing payment arrangements or at time of service application would be verbal.

Suggest these situations would be relevant for utility referral of customer to social service agencies, for their evaluation of eligibility.”

VECC: “(It is) not immediately clear that a utility-developed early detection program would be all that accurate or useful with respect to the emergency financial assistance program without sizable expenditures and effort on the part of the utilities.”

## **Lead Agencies**

In agreement with the LEAP Report, there was consensus among the emergency Financial Assistance Working Group that the electric and natural gas utilities will work with a lead social service agency (Lead Agency), which will be responsible for administering the program application process on behalf of the utility. In selecting and retaining Lead Agencies, utilities may:

- Renew existing contracts or agreements with social service agencies, where a relationship already exists
- Issue an RFP for Lead Agencies independently
- Collaborate with other utilities and issue an RFP for a common Lead Agency
- Seek leadership from the Central Coordinating Body to issue an RFP on their behalf

Whatever option is selected by a utility, the Central Coordinating Body can provide the utilities with guidance on what information to include in the RFPs that they issue.

Depending on the geography of the area served by a particular utility, the utility may choose to work with one Lead Agency for the entire area the utility serves, or with one or more Lead Agencies. For example, a utility may choose a different Lead Agency in each of its main geographical territories (e.g. this could be by region, or a broader geographical area such as NE Ontario, SW Ontario, GTA, etc.), which focuses its services on that particular area. If a utility chooses to work with multiple Lead Agencies, the utility may ask the Central Coordinating Body to provide coordination among the Lead Agencies. This will be an additional service provided to that particular utility for which the Central Coordinating Body will be compensated by that utility.

Depending on the size of the community, the geographic dispersion of the client base within the community, and the availability of other social service agencies that could provide an intake role, the Lead Agency may choose to partner with one or more satellite social service agencies (Intake Agencies) to perform the intake function for the area that they

serve. For example, in rural areas, it is possible that there will be one agency, the Lead Agency, which performs all the functions related to intake and application administration (in addition to the roles and responsibilities of Lead Agencies) and that separate Intake Agencies are not required.

The working group members agreed that the Lead Agencies will be responsible for:

### ***Intake Agency support***

- Selecting and contracting with Intake Agencies
- Adapting the program manual prepared by the Central Coordinating Body to meet their local needs and providing training, based on the program manual, to the Intake Agencies about the emergency financial assistance program
- Performing intake functions where separate Intake Agencies are not required or available (e.g. in small or rural communities)

### ***Promotion and outreach***

- Distributing the customized promotional materials provided by the utilities according to the promotion and outreach strategy developed for the program

### ***Funding***

- Receiving program funds from the utility for the provision of emergency financial assistance and tracking funds appropriately
- Remitting payment back to the utility on behalf of the applicant as per Intake Agencies' requisitions and ensuring each utility's funds are remitted only for the particular utility's customers

### ***Tracking and reporting***

- Ensuring the online database is used by their Intake Agencies in managing applications
- Tracking program performance and expenditures using the central online database information and reporting to the utility

## ***Additional roles and responsibilities***

Additional roles and responsibilities for the Lead Agencies presented by working group members in their submissions on the draft report are:

- Providing utilities with a list of agencies available for intake for utility customers, by geographic area, and updated as required (needed for utility call centre staff referrals)

## **Intake Agencies**

The working group members agreed that the Lead Agencies may choose to partner with one or more satellite social service agencies (Intake Agencies) to perform the intake function for the area that they serve. For example, in small or rural areas, it is possible that there will be one agency, the Lead Agency, which performs all the functions related to intake and application administration (in addition to the roles and responsibilities of Lead Agencies) and that separate Intake Agencies are not required.

In those areas where Intake Agencies are required, the working group members agreed the Intake Agencies will perform the following tasks. If there is no Intake Agency then the Lead Agency will perform these tasks.

- Screening applicants
- Processing applications including collecting the necessary information (bills, pay stubs), and entering the information into the central online database
- Informing the applicant's utility(s) of necessary disconnection/collection holds and the removal of holds if the applicant does not qualify for the program
- Approving applications and determining grant amounts within the disconnection/collection holds period
- Sending cheque requisitions to the Lead Agency
- Distributing local promotional materials provided by the Lead Agency in accordance with the promotion and outreach strategy developed for the program

## **Applicants**

Applicants are the low-income utility customers that are in need of emergency financial assistance. The applicants will gain access and, if eligible, participate in the program by contacting their local Intake Agency. If there is no Intake Agency in their area, the applicant will access the program through the Lead Agency. Applicants can also call

the toll free number maintained by the Central Coordinating Body to get a referral to their local Intake or Lead Agency to access the program. Applicants can also contact their natural gas or electric utility for a referral to their local Intake or Lead Agency.

### **Non-consensus**

The organizational model and roles and responsibilities presented above were agreed to by all but one of the working group members. An alternative organizational model, as well as the rationale for this non-consensus view, are described below.

#### ***Issue: What are the roles and responsibilities of the parties in the emergency financial assistance program?***

Union: “The proposed organizational structure adds complexity to the program delivery by splitting responsibilities between a lead agency and the central coordinating body. It also introduces another level—the Steering Committee—as a separate body.

Union believes there should be one organization (e.g. Central Coordinating Body or Lead Agency) that executes broad responsibilities. This body would develop the database (or contract out development of the database), perform all administrative functions, select, coordinate with, and train delivery agencies, carry out pre-screening service for potential clients through a 1-800 number (in cases where client is remote or unaware of local agency), and be responsible for all tracking and reporting via the database. As currently set out in the report, the Central Coordinating Body is only responsible for coordinating largely bureaucratic functions without active responsibilities for coordination at the delivery level.

A streamlined structure that incorporates coordination of delivery would respond more effectively to the different needs of large and small utilities and would be better equipped to rationalize service delivery to overlapping service areas between gas and electric utilities.

Union proposes that the Steering Committee should not be envisioned as a separate layer, but instead serve as the governance body within the Central Coordinating Body. Union would like clarification on the process of how the Steering Committee members will be selected and appointed by the Ontario Energy Board. Additionally, Union feels that it is important the number of members be kept as small as possible.

As set out in the current framework proposal, Union Gas would have program duties and reporting responsibilities through the OEB, the CCB, the Lead Agencies (we would have several) as well as the Steering Committee (although the relationship arrow is absent from the diagram, we believe that Union would have membership on this committee). This is a cumbersome structure that detracts from the ultimate goal of the

program. For purposes of comparison, under the current Winter Warmth program, Union Gas has only one touchpoint through the United Way of Chatham-Kent.

Union maintains that a simplified structure would ensure greater efficiency, communication, synergies and lower costs by consolidating the majority of functions within as few organizations as possible”.

“...The Board will establish the level of allowed administration fees paid to the Central Coordinating Body or Lead Agency as a percentage of the total amount of funding contributions distributed.”

“... Union believes all tracking and reporting should be carried out by the Central Coordinating Body or central organization. Given that a centralized database is going to be utilized, this should not be a costly or complicated function. We do not agree that Union Gas, or other large utilities with broad service areas, should be compelled to pay increased costs for consolidated reporting and tracking functions.”

“...Union does not agree that this proposed framework should remain largely unchanged over the long term. There may be a temporary role for an organization to develop a common database or templated material, but this does not result in a permanent body.”

## 3.2 Eligibility and screening

### **Consensus**

There was consensus among the working group that the emergency financial assistance program offers an “immediate, short-term solution” to energy bill arrears, whereas tools such as targeted conservation programs and customer service rules offer a “longer-term solution” to energy bill arrears.

There was consensus among the working group members on the following eligibility criteria for the emergency financial assistance program. The aim of these eligibility criteria is to focus funding on the most vulnerable, payment-troubled customers.

Applicants will be screened by the Intake or Lead Agencies. To be eligible the applicant must meet all of the following criteria:

- The applicant is a customer of the utility, as either the primary or secondary name on the account.
- The applicant resides at the address at which there are energy bill arrears.
- The applicant accesses funding from the program only once per calendar year per fuel, up to the financial cap. What is at issue is

the level of the cap (see non-consensus section below for a discussion). In the event of an additional hardship in the same year, applicants may access funding one additional time in the same year, at the discretion of the Intake Agency. This discretion is afforded as a result of the Intake Agencies' "frontline experience" and established relationship with clients.

- The applicant demonstrates a prior ability to pay the energy bill.<sup>13</sup> At issue is how this attempt to pay should be demonstrated and whether future ability to pay should be a non-binding aspect of the application process (see non-Consensus below for differing views).
- The receipt of financial assistance will allow a household to maintain or reconnect energy service
- The applicant must be in threat of disconnection or disconnected in order to be eligible for emergency financial assistance

In addition, the applicant must meet one of the following two criteria:

- The applicant is a recipient of social benefits (Ontario Works, Ontario Disability Support Program, Ontario Child Care Supplement for Working Families, National Child Benefit Supplement, Guaranteed Income Supplement for Seniors, Allowance for Survivor). At issue is whether additional social benefits should be added to this list

Or

- The applicant has a household income level that is below the pre-tax<sup>14</sup> Low-Income Cut Off (LICO) using the most up to date pre-tax LICO table developed by Statistics Canada. The LICO table will be utilized as is, taking into account differing family and community size. The 2008 pre-tax LICO table is present in Table 1 below

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<sup>13</sup> The members of the emergency Financial Assistance Working Group agreed that the applicant must demonstrate an attempt to pay the current or past utility bills to be eligible for emergency financial assistance. The working group saw this attempt to pay as a demonstration of good faith and future credibility on the part of the applicant.

<sup>14</sup> Intake Agencies will use an applicant's pre-tax (gross) income when determining household income level.

Table 1: Pre-tax Low-Income Cut Off (LICO) table for 2008, effective until December 31<sup>st</sup>, 2009.

Size of family unit	Community size				
	Rural areas	Urban areas			
		Less than 30 000	30 000 to 99 999	100 000 to 499 999	500 000 and over
Current dollars					
1 person	15 262	17 364	18 976	19 094	22 171
2 persons	19 000	21 615	23 623	23 769	27 601
3 persons	23 358	26 573	29 041	29 222	33 933
4 persons	28 361	32 264	35 261	35 480	41 198
5 persons	32 165	36 594	39 992	40 239	46 727
6 persons	36 278	41 272	45 105	45 385	52 699
7+ persons	40 390	45 950	50 218	50 529	58 673

If an applicant does not meet the eligibility criteria outlined above, in exceptional circumstances, Intake or Lead Agencies may exercise discretion in assessing and approving applicants. Funding may be granted to the applicant provided that the Agency has a solid rationale for approving funding outside the criteria, with the provision that additional tracking and reporting of the case details take place. This additional information will be tracked and reported using the central online database. This discretion is afforded due to the Intake Agencies' "frontline experience" and established relationships with clients.

### Non-consensus

The following aspects of the eligibility criteria have not been agreed to by all of the working group members. The questions listed below require resolution.

***Issue: How should prior attempt to pay the utility bill be demonstrated and should 'attempt to pay the utility bill' be considered a binding criterion?***

The members of the emergency Financial Assistance Working Group agreed that the applicant must demonstrate an attempt to pay the current or past utility bills to be eligible for emergency financial assistance. The working group saw this attempt to pay as a demonstration of good faith, future credibility and ability to pay on the part of the applicant. There

was not consensus on how this attempt to pay should be demonstrated and whether it should be considered a binding criterion. Options put forward by the working group members in their written template submissions and during discussions at the August 25<sup>th</sup> working group meeting include:

- The applicant has attempted to pay the utility bill in the last 4 months
- Prior attempts to pay the utility bill should be determined at the discretion of social service agency
- Applicants have a satisfactory payment history (as verified by the utility)

Other working group members thought that assessing payment history, and in turn future creditability, was part of the application process and not a binding eligibility criterion. Others thought that payment history should be considered when future ability to pay is assessed through the applicant's budget review.

CLD: "The CLD believes that this is a useful eligibility criterion, albeit a loosely limiting one that supports the criterion for demonstrating future ability to pay. As such, we recommend that it be simply included together to read as follows: 'The applicant demonstrates future ability to pay the energy bill, based on an income budget review and a satisfactory payment history.' Determining a satisfactory payment history can be left at the discretion of the utilities and Intake Agencies, but should be used to eliminate those applicants who have a history of lengthy, consistent, and multiple non-payments combined with multiple broken payment arrangements with the utility."

Hydro One: "Hydro One recommends prior attempt to pay should remain an eligibility criteria. We recommend this would be demonstrated as some amount of payment made to the account in the past four months. This is easily qualified and gets away from subjective decisions. As agencies should be allowed some discretion in applying the eligibility criteria in exceptional circumstances, this would cover situations where no payments were made over a long period of time but the Agency believes the rationale is warranted."

LIEN: "LIEN endorses the principle that customers seeking emergency assistance should be required to document a good faith effort to make utility payments as a demonstration that the customer recognizes that retiring arrears represents a partnership between the customer, the utility, and the (emergency financial assistance) program. Making a financial contribution toward arrears, in other words, can reasonably be made a pre-condition to the receipt of emergency assistance... LIEN endorses a requirement that low-income customers make a contribution toward their arrears equal to a minimum of 25% of their bill for the four

months prior to seeking emergency assistance<sup>15</sup> assuming the customer had been on a levelized budget billing plan.”<sup>16</sup>

“...To determine whether the applicant ‘can demonstrate future ability to pay the energy bill, based on an income budget review,’

- The (Intake Agencies) would be required not simply to document household income, but also to document household expenditures as well.
- The (Intake Agencies) would be required to make policy-based judgements about what constitutes an *allowable* household expenditure. “

“...To make such assessments, however, would require a detailed review of individual family circumstances...and introduces a level of administrative complexity that is at odds with the emergency program...Engaging in such a family budget review inserts the emergency fuel assistance program into fundamental household decisions that are substantively inappropriate for a utility program...Consider the conflicts that might arise based on a determination that a household’s income does not support its expenditures.

LIEN is concerned about the inclusion of an eligibility requirement allowing (or requiring) a local administrating agency to consider future ability to pay in deciding whether to provide emergency financial assistance. LIEN would prefer that a budget review be conducted but that its results be non-binding. LIEN recalls that in (emergency financial assistance working group) meetings, social service agencies reported it was virtually unheard of for a client to be denied emergency financial assistance because of an inability to pay future bills. Social service agencies reported the budget review was an opportunity for clients to receive assistance and referrals in the areas of income and budgeting. LIEN recommends that any staff conducting budget reviews receive training that will allow them to make relevant referrals wherever possible.”

Union: “Union believes that verification from the social service agencies of a customer’s prior attempts to pay the utility bill must be done through the utility.”

VECC: “Agree that the purpose of this requirement is to assess the credibility of the applicant, i.e., willingness to pay when and if able. As

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<sup>15</sup> Making such a payment would place these customers 90 days in arrears, consistent with prior LIEN recommendations.

<sup>16</sup> Assuming a levelized budget billing plan eliminates the disparate treatment of customers seeking assistance in high-cost months relative to customers seeking assistance in low-cost months.

a result, this is something like ‘future ability to pay’ where it is unlikely that a clear and measurable criterion can be determined. For example, attempt to pay in the last four months should not be determinative if the applicant is only billed quarterly, as some Hydro One customers are. Similarly, payment history may not be appropriate in the case of a new customer. Also, some customers may not be aware that utilities are open to discussing partial payments and payment plans and, as a result, have not pursued these possibilities.

The upshot is that, like ‘future ability to pay,’ this aspect is best left to the discretion of the Intake Agency. The criteria listed could all be included in the program manual as factors the agency should take into account in making its assessment. Another possible consideration is whether, after the initial contact with the Intake Agency, the Applicant contacted the utility and made arrangements for partial payment.”

### ***Issue: What constitutes a threat of disconnection?***

The emergency Financial Assistance Working Group members agreed that the applicant must be in threat of disconnection or disconnected in order to be eligible for emergency financial assistance. There was not consensus on what it means to be in threat of disconnection. Some members indicated that simply being in arrears constituted a threat of disconnection and therefore would make the applicant eligible for the program.

Other members indicated that because demand will exceed the funds, priorities need to be established and therefore, only those applicants with a disconnection notice or pending disconnection should be eligible for the program.

CLD: “The CLD is not in agreement with the wording of the final condition dealing with the ‘threat of disconnection,’ and suggest that this be reworded to make clear that being in arrears is sufficient to constitute a ‘threat of disconnection.’ A possible alternative would be that ‘the applicant is in arrears, is in threat of disconnection, or has already been disconnected.’ The reasons for this are many:

Generally, it is more efficient and logical for a customer to be able to apply for financial assistance as soon as they perceive that they will not be able to pay their bill. Forcing applicants to produce a disconnection notice provides a disincentive to address the problem early, and customers may end up simply waiting an additional few weeks for a disconnection notice to arrive. This creates a needless hassle for both utility staff and the customer (of having to engage in an unwarranted cycle of collection and reminder calls and notices), and also has a negative effect on costs of both the program and the utility (see below).

Allowing applicants to apply early is reflective of Guiding Principle #8, that the program should be ‘efficient and effective in minimizing ratepayer impact.’ Allowing customers to apply early reduces utility

customer care costs, by reducing or eliminating the number of notices sent, the number of collection and reminder calls being made, and in extreme cases, even the costs of a disconnection and reconnection.

Allowing customers to apply early reduces the size of the customers' current arrears and by extension the size of the grant for which the customer is applying, leaving more money available for other customers and allowing a greater number of customers to apply to the program. Forcing customers to wait for a disconnection notice adds at least one month worth of billing to the customer's current arrears.

Many utilities generally follow a policy of not disconnecting customers during the winter months. Requiring a disconnection notice may, therefore, further complicate the application process, where a customer facing hardship over the winter will not be able to apply for aid until spring time.

The Winter Warmth experience has shown that allowing customers who are in arrears to apply does not lead to an unmanageable number of applicants. In fact, the existing Winter Warmth criteria goes even further than currently proposed, and allows customers to apply if they only demonstrate that they will not be able to pay their next bill, as soon as it is issued and before it is even due."

LIEN: "LIEN endorses an eligibility criterion defining an emergency situation tied to one of two alternative situations: (1) a prescribed level of arrears (...that is more than 90-days old...), or (2) a pending notice of disconnection. A customer must meet one or the other of these criteria to qualify for assistance....Arrears that are aged 90-days or less should be subjected to extended payment plans and other self-cure processes rather than to retirement through emergency assistance. Arrears that are more than 90-days old should be assumed to be at sufficient risk of non-payment that they should be eligible for emergency assistance<sup>17</sup>... Customers that have already been disconnected and are 'off the system' should also be eligible for (the emergency financial assistance program)."

VECC: "VECC agrees that a customer should not have to produce 'final disconnection notice' in order to be eligible for the program. At the same time, customers should not be considered as in threat of disconnection if their most recent bill is a couple of days past due. Some middle ground should be sought."

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<sup>17</sup> "LIEN would not object to substituting a dollar amount for the 90-day criterion so long as the dollar amount is reasonably empirically based on a 90-day arrears. LIEN understands that a 90-day arrears in April would represent a much different dollar amount than a 90-day arrears in August. Accordingly, a dollar amount reasonably approximating an average 90-day bill would serve the same function as the proposal that LIEN advances above."

### ***Issue: What is the appropriate level of the financial cap?***

The emergency Financial Assistance Working Group members agreed that there should be a cap on the level of financial assistance provided to each applicant. There was not consensus on what the level of this cap should be and whether the cap should be different for gas and electrically heated homes.

Some of the options provided in the written template submissions and discussed at the August 25<sup>th</sup> working group meeting include:

- A financial cap of \$500 per utility
- The financial cap should be higher for electrically heated homes. For example, a financial cap of \$450 for a house with gas heat (and electricity) and a cap of \$600 for an electrically heated home.

CCC: “I support adding a comment in that the level of financial cap should be put in place, with the proviso that it be reassessed after the first year of the program—after some experience. It may prove to be too low, or it may be that higher caps mean less applicants get assisted as the money in some jurisdictions may be depleted early in the year.”

CLD: “The CLD supports a firm cap of \$500 per applicant per utility. The Winter Warmth program has demonstrated that the existing cap of \$450 works well in most situations. Given increasing energy prices, inflation, and upcoming tax rule changes, an increase to \$500 is reasonable. However, there should not be any exceptions to this amount. The current average Winter Warmth grant is below \$400, and average utility arrears for CLD members at the time of disconnection range between \$270-\$390, well within the \$500 maximum cap. For these reasons, the CLD supports the \$500 cap.

On the issue of additional funding for electrically heated homes, the CLD notes that there is currently no clear way to verify how a customer’s home is heated. Having to test for this condition creates an additional level of program complexity. In addition, there are many factors that can affect the size of a customer’s energy bill, and creating an exception for one possible reason while ignoring others creates a greater inequality than simply having one amount for all applicants.”

Enbridge: “I would like to see this consistent across the board at \$500 with room for flexibility due to extenuating circumstances. This would make it easier for all stakeholders especially if an applicant comes in applying for 2 grants. One for gas and one for electricity.”

Hydro One: “Hydro One recommends a separate funding cap level for electricity and natural gas: \$450 for a house heated with gas, and \$600 for a house heated with electricity. This reflects the higher bill amounts

for homes that are all electric. This should be reviewed after the first year of the program, as there remains some inequity with this approach, in that all electric customers are only eligible for funding for one commodity (\$600), but a home with gas heat and electric lights and other services could receive funding for both commodities, up to both caps (\$1,050)... The Board should take into account the potential inequity in access to funding amounts for customers who have one commodity for all their household services (electricity), and that gas is not available in all areas of the province and other heating sources are not part of this program... LIEN suggests a funding cap formula based on percentage of past arrears amounts. This would add complexity within the program, by establishing a funding cap for each of the utilities involved, and annual reviews and adjustments. This method would not reflect the wide variation between customer accounts and individual arrears amounts, given all variety of consumption patterns. The existing financial programs have worked successfully on a set amount, and in many cases, the funding given is below the cap."

LIEN: "LIEN concurs with proposals to implement a cap on maximum (emergency financial assistance program) benefits... LIEN concurs with the proposal to differentiate benefit caps by whether a customer is an electric customer,<sup>18</sup> a combination electric/natural gas customer, or an all-electric customer. LIEN does not believe, however, that such benefit caps are appropriately established by reference to some arbitrary figure. Accordingly, LIEN proposes a 90 percentile figure.<sup>19</sup> Utilities should be required to report the arrears of customers receiving disconnect notices by month for the past 12 months. The benefit cap should be set sufficiently high that the arrears of 90% of customers receiving a disconnect notice would fall below that benefit cap.<sup>20</sup> The appropriate percentile figure should be revisited each year in light of the reporting on performance metrics.

LIEN proposes an important limitation on this percentile analysis, however. LIEN recommends that Ontario adopt a process similar to that which was adopted by the State of Maryland's Electric Universal Service Program (EUSP). Under Maryland's EUSP, electric utilities agreed to write-off arrears greater than \$2,000.<sup>21</sup> The policy justification was that

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<sup>18</sup> "An electric customer would be defined as someone with a non-utility fuel (e.g. fuel oil, propane, wood, other) as their primary heating fuel." (LIEN)

<sup>19</sup> "Such a calculation is done on a per-account basis (not on an aggregate basis)." (LIEN)

<sup>20</sup> "To the extent that the utilities, in the future, will be capable of reporting data for identified low-income customers, future analysis should be limited to those identified low-income customers." (LIEN)

<sup>21</sup> "Under the EUSP, two limits were placed on the retirement of arrears. First, the Commission established a cap on the amount of arrears that would be subject to retirement under EUSP. Second, the Commission said it would: 'adopt the [Baltimore Gas & Electric—BG&E] proposal, which establishes \$2,000 as the cap for arrearage recovery. In this case, BG&E is willing to forego any recovery over and above that amount. While the Commission does not direct any utility at this time to adopt a similar level as full and complete payment, the

low-income arrears greater than \$2,000 were inherently uncollectible. A similar limitation should be placed on the collection of low-income arrears within the context of the (emergency financial assistance program).”

Union: “Union supports a financial cap of \$500 per utility.”

VECC: “A \$500 cap is reasonable for gas. It is somewhat higher than the current Winter Warmth cap of \$450—but, if introduced as planned, natural gas will be subject to the HST... an interim approach for electricity would be to adopt the same \$500 cap but to provide for a higher cap (for example up to \$600) when the bills for two consecutive billing cycles exceed \$500.”

***Issue: Should additional benefits be added to the list of eligible benefits in the eligibility criteria?***

The emergency Financial Assistance Working Group members agreed that applicants are eligible for the emergency financial assistance program if they are a recipient of the following social benefits: Ontario Works, Ontario Disability Support Program, Ontario Child Care Supplement for Working Families, National Child Benefit Supplement, Guaranteed Income Supplement for Seniors, Allowance for Survivor. What is at issue is whether any additional social benefits should be added to this list of eligible benefits.

NIP: “I think we might want to mention Old Age Security, Employment Insurance, and also use ‘etc.’ at the end.”

VECC: “It is VECC’s understanding that the purpose in listing certain social benefit programs is to facilitate the ‘low-income qualification’ process, i.e., if customers are in receipt of one of these programs it can be assumed they meet the low-income qualification and do not need to go through that part of the application process. If there are other programs that meet this ‘definition’ they should be added. However, in VECC’s view, Employment Insurance is not one of them. Customers on EI are not all low-income.”

### ***3.3 Intake and application administration***

#### **Consensus**

There was consensus among the working group members on the following intake and application process for the emergency financial assistance program.

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fact that this utility with the greatest amount of arrears is willing to adopt this approach suggests that other utilities should be able to accomplish a similar outcome on a voluntary basis. The Commission encourages them to do so.’ In the Matter of the Commission’s Inquiry into the Provision and Regulation of Electric Service (Universal Service), Case No. 8738, Order No. 75935, at 21 (January 28, 2000).” (LIEN)

Intake and administration of the application will be conducted by Intake Agencies (or by Lead Agencies, where Intake Agencies are not available or required). For the purpose of this description the use of an Intake Agency will be assumed.

Intake involves screening applicants based on the aforementioned eligibility criteria (see Section 3.2 above). If an applicant does not meet these eligibility criteria, in exceptional circumstances, Intake Agencies may exercise discretion in assessing and approving applicants. Funding may be granted to the applicant provided that the Agency has a solid rationale for approving funding outside the criteria, with the provision that additional tracking and reporting of the case details take place. This additional information will be tracked and reported using the central online database. This discretion is afforded due to the Intake Agencies' "frontline experience" and established relationships with clients.

To account for difficulties regarding mobility, transportation, or remote location, the application process will also be available via phone and documentation may be submitted by fax or email. All forms will also be available online and in multiple languages. The Intake Agency will encourage the applicant to come to the office for a face-to-face interview, to help establish a relationship or build on an existing relationship with the agency.

Upon initial contact from the applicant, the Intake Agency is to contact the respective utility (or utilities in the case of a gas heated home served also by an electric utility) to hold disconnection/collections for the applicant's account.

The Intake Agency will complete the online application (using the central on-line database) with the applicant and collect all required documentation (e.g. utility bills, pay stubs). Based on the completion of this application the Intake Agency will approve or decline the application. If the application is approved the Intake Agency will determine the amount of money that will be applied to the applicant's energy bill(s) and will send cheque requisitions to the Lead Agency to inform the Agency what money needs to be sent to the utility on behalf of the applicant. If the application is declined the Intake Agency will contact the utility(ies) to remove the disconnection/collection hold on the applicant's account. The Lead Agency will contact the utility in a timely manner. For more information on the flow of program funds please see Section 3.6 – Funding.

There was consensus among the working group members on the need for a central online database for completing program applications. This central online database will be developed and maintained by the Central Coordinating Body and will be accessible to the Intake Agencies. Applicants will sign a waiver (as part of the application) to release information to the Intake Agencies and to this central online database. Appropriate privacy provisions will be built into this central online

database. Other waivers will also need to be signed by the applicant, including a waiver to release the applicant/s utility account information to the Intake Agency.

There was also consensus that the Lead Agencies will be responsible for providing training on the intake and application administration process to any and all of their Intake Agencies. This training will be based on a program manual developed by the Central Coordinating Body and modified by the Lead Agencies to meet the local needs of their Intake Agencies.

If an applicant expresses dissatisfaction with the result of the application process, because the applicant has been denied funding or is dissatisfied with the level of assistance provided or for other reasons, an appeal process is triggered. Appeals will be conducted by a party that was not involved in the initial application. This process will be the course of last resort for the applicant. Lead Agencies will be responsible for implementing an appeals process in their service area. What is at issue is who will be responsible for developing this appeals process (see the non-consensus section below for a discussion of this issue).

### **Non-consensus**

The following details of the intake and application process have not been agreed to by all of the working group members. The questions listed below require resolution.

#### ***Issue: Who is responsible for developing the applicant appeals process?***

There was consensus among the working group members that applicants should have access to an appeals process if they are dissatisfied with the result of the application process for the emergency financial assistance program. There was also agreement that this appeals process should be implemented by the Lead Agency. What is at issue is which party will be responsible for developing the appeals process.

Some of the options provided by the working group members include:

- The Central Coordinating Body will establish a clear and simple standardized appeal process that Lead Agencies are required to publicize and follow
- The Lead Agencies will be responsible for using their existing appeals process in their service area

CLD: “The CLD believes that the development of the process should be left to the Lead Agencies, as they will be the ones who will be administering it. The appeals process may vary from region to region, based on the Lead Agencies’ capabilities and operating procedures, and

so a centralized format may not be easily adaptable or appropriate. General guidelines for appeals, as part of the process manual, can be issued by the Central Coordinating Body.”

Enbridge: “If the Lead Agencies have an existing appeals process, they should use it for this program. If they do not have an existing appeals process, one should be developed by the Central Coordinating Body.”

Hydro One: “Recommend the Lead Agency is responsible for developing and managing an appeals process, as they are making the recommendations for releasing funding.”

LIEN: “While LIEN concurs that the Lead Agencies should implement an appeals process at the local level, it is critical that low-income customers have a standardized process... To ensure uniform, standardized treatment of low-income customers province-wide, as well as to ensure that each appeals process is developed according to fundamental standards of fairness rather than to fit available staff resources and convenience, LIEN urges the adoption of a clear and simple standardized appeal process with which Lead Agencies are required to apply... The (Board) has made clear the intent of the Board is to have a province-wide program. The appeals rights of customers should not differ based upon the happenchance of where they might live or who might provide the underlying home energy service.”

Union: “Union supports the lead agencies being responsible for developing an appeals process in their service area.”

VECC: “The Central Coordinating Body (should) be responsible for establishing...the principles that such procedures should be based on... and preferably drawing on existing resources and process models VECC (sees) the setting of such criteria as being a useful guide in those instances where an appeals process (does) not currently exist and also serves to provide some level of standardization across the province... The Lead Agencies would then each be responsible for developing and implementing an appeals process that met these principles...and Intake Agencies could not implement the necessary appeals process for applicants.”

### *3.4 Promotion and outreach*

#### **Consensus**

There was consensus among the working group members on the need for a balanced approach to promoting the emergency financial assistance program. Promotion and outreach should be extensive enough so that those in need are aware of the program, but at the same time should avoid the creation of circumstances where the Intake Agencies (or Lead Agencies) are inundated with applications. Although promotion is critical

it is important that program money not be wasted. Customers targeted for assistance should include particularly vulnerable and hard-to-reach customers.<sup>22</sup> The working group members agreed that there will be multiple points of distribution and a range of media for the promotional and outreach materials.

The working group members agreed that they are not in a position to determine the specific types of materials that should be developed and how these materials will be distributed for the emergency financial assistance program. The working group members recommend that these decisions be made through the development of a promotion and outreach strategy for the program, developed by a qualified organization. The Central Coordinating Body will be responsible for the development of this promotion and outreach strategy, including engaging a qualified organization.

The Central Coordinating Body will also be responsible for producing the standardized promotion and outreach materials (templates), for local customization by utilities (if desired), in accordance with this strategy. At minimum, these templates will contain common program information such as the toll free number and the Board's website that should contain emergency financial assistance information. The utilities may customize the materials (e.g. add logos, contacts for Lead and Intake Agencies, translate to different languages as required, etc.) and may distribute the materials according to the promotion and outreach strategy developed for the program. The utilities may also provide the materials to the Lead Agencies and/or Intake Agencies for further distribution.

The Board will include information about the emergency financial assistance program on its website and update it regularly. Where possible, utilities will have information about the emergency financial assistance program on their websites and/or links to the Board's site.

In 2010, promotion and outreach will focus on referrals from the utilities', social service agencies, and proven utility channels for promotion and outreach (e.g. the web, letters to MPPs, and media releases). The Board will be responsible for the initial launch of the emergency financial assistance program province-wide.

### **Non-consensus**

There were no differing views with the consensus reached.

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<sup>22</sup> These may include, but are not limited to: customers who are linguistically isolated, those who have not traditionally viewed themselves as low-income, those who have unique circumstances (e.g. grandparents as primary caregivers), those who by culture or disability do not routinely access traditional outreach networks, or households with elderly or kids younger than school-age.

## 3.5 Tracking and reporting

### Consensus

There was consensus among the working group members that tracking and reporting requirements should be kept to a minimum to alleviate any unnecessary burden on the parties involved in the program. However, it was agreed that tracking and reporting is critical for ensuring accountability, for program evaluation and for making program improvements. The tracking and reporting process for the emergency financial assistance and the associated roles and responsibilities is shown in Figure 2.

The working group members agreed that more work is required by the Board to develop the necessary tracking and reporting metrics for the emergency financial assistance program. Working group members VECC and LIEN have provided helpful recommendations on the types of metrics to be tracked, as well as detailed examples.<sup>23</sup> The working group members agreed that the Central Coordinating Body, in consultation with the Board, utilities, and Lead Agencies, will be responsible for determining the metrics to be tracked and for developing the tracking and reporting strategy for the program. The Central Coordinating Body should develop a process that will identify the data requirements for each party involved in the program and establish an overall tracking and reporting strategy that encompasses both day-to-day operations and program evaluation.<sup>24</sup>

The central online database developed and maintained by the Central Coordinating Body, with application input completed by the Intake and Lead Agencies, will be an integral part of the tracking and reporting process and will be developed taking the need for these tracking and reporting requirements into account. For confidentiality of the applicants, privacy provisions will be built into this central database, including that all personal information collected in the database that is not required for tracking or reporting will be secured and accessible only by the Intake Agency where it was collected.

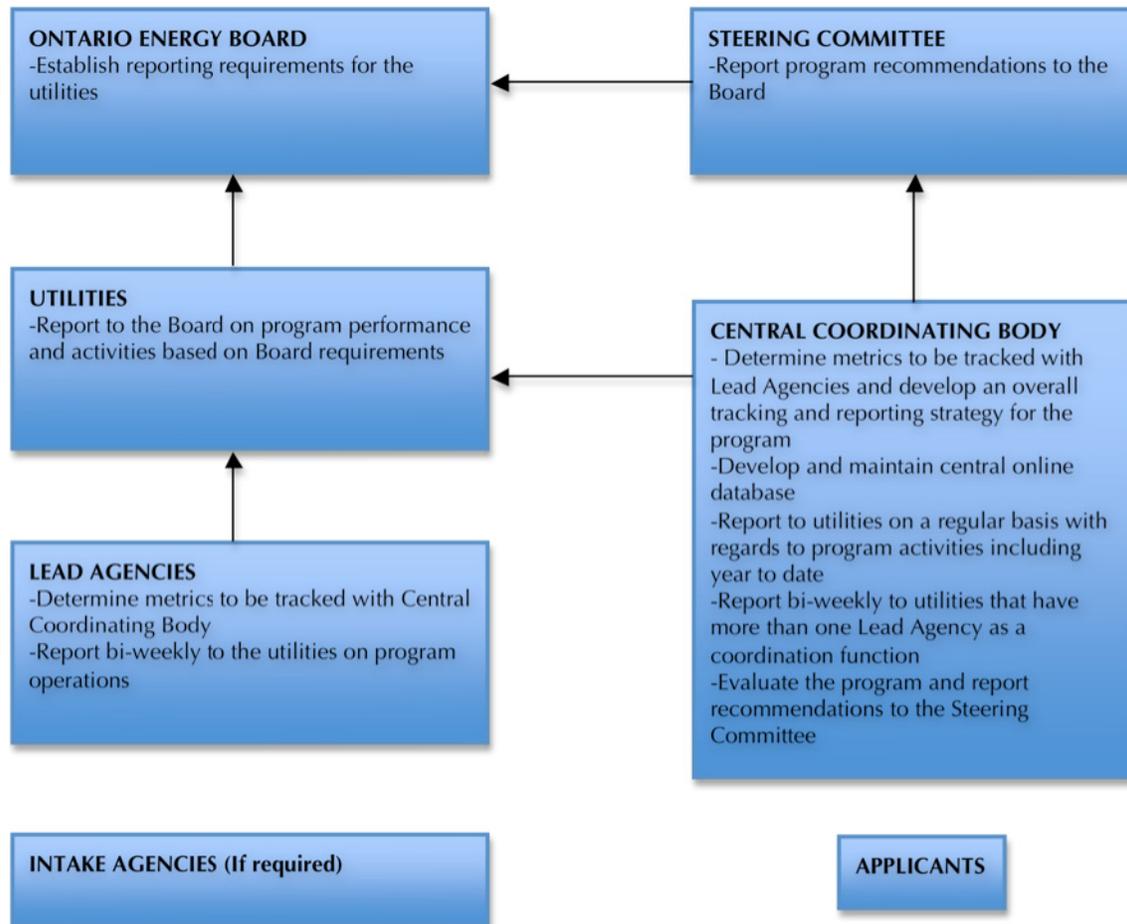
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<sup>23</sup> VECC provided a non-exhaustive list of type of data that needs to be tracked and reported. This includes: data that Lead Agencies will require to be tracked on individual applications, data that the utilities will require to be tracked regarding the accounts that have been/need to be granted financial assistance, data that individual Lead Agencies and utilities will need on year-to-date status/operation of the program, data that the Board will require on status/operation of the program. VECC stresses that the Central Coordinating Body should develop a process that will identify the data requirements of each party involved in the program.

LIEN provided a comprehensive list of questions to be asked, and subsequent metrics to be tracked. These are available on pages 12-13 in their template submission, available in Appendix C.

<sup>24</sup> The consensus framework states that different parties will be responsible for establishing the reporting (Central Coordinating Body in consultation with other parties) and evaluation requirements of the program (Board or Steering Committee). It is VECC's view that the reporting and evaluation requirements should be established by the same party.

**Figure 2 Tracking and reporting process and roles and responsibilities for the emergency financial assistance program**



The working group agreed that the following operational reports should be prepared for the emergency financial assistance program. Detailed requirements (e.g. timing of submission, specific metrics, funding status by agency) will be determined as part of the tracking and reporting strategy developed for the program. This strategy will provide flexibility for modifying reporting requirements as working relationships are established and the program gets underway.

The Lead Agencies will submit reports to their utility(ies) on a regular basis (i.e. every 2 weeks, or more frequently if required) outlining program operations over the period (e.g. number of applicants assisted, dollar value of assistance, emergency financial assistance funds remaining). If a utility chooses to work with multiple Lead Agencies (due to the utility's size or wide geographic distribution), the utility may ask the Central Coordinating Body to provide consolidated reporting on program activities, rather than receive separate reports from each of their Lead Agencies. This will be an additional service provided to the utility

for which the Central Coordinating Body will be compensated by the utility.

The Central Coordinating Body will also provide regular (e.g. monthly) reports to all utilities on program operations including year-to-date information.

The utilities will report to the Board on program activities and performance, based on reporting requirements developed by the Board.

The Central Coordinating Body will be responsible for conducting program evaluations using the information tracked via the central online database. These results will be reported to the Steering Committee and provide the basis for the Steering Committee's recommendations to the Board for program improvements.

### **Non-consensus**

There were no differing views with the consensus reached.

## **3.6 Funding**

### **Consensus**

There was consensus among the working group members on the sources, management, and remittance process for program funding. The flow of program funds and the roles and responsibilities related to funding are shown in Figure 3 below.

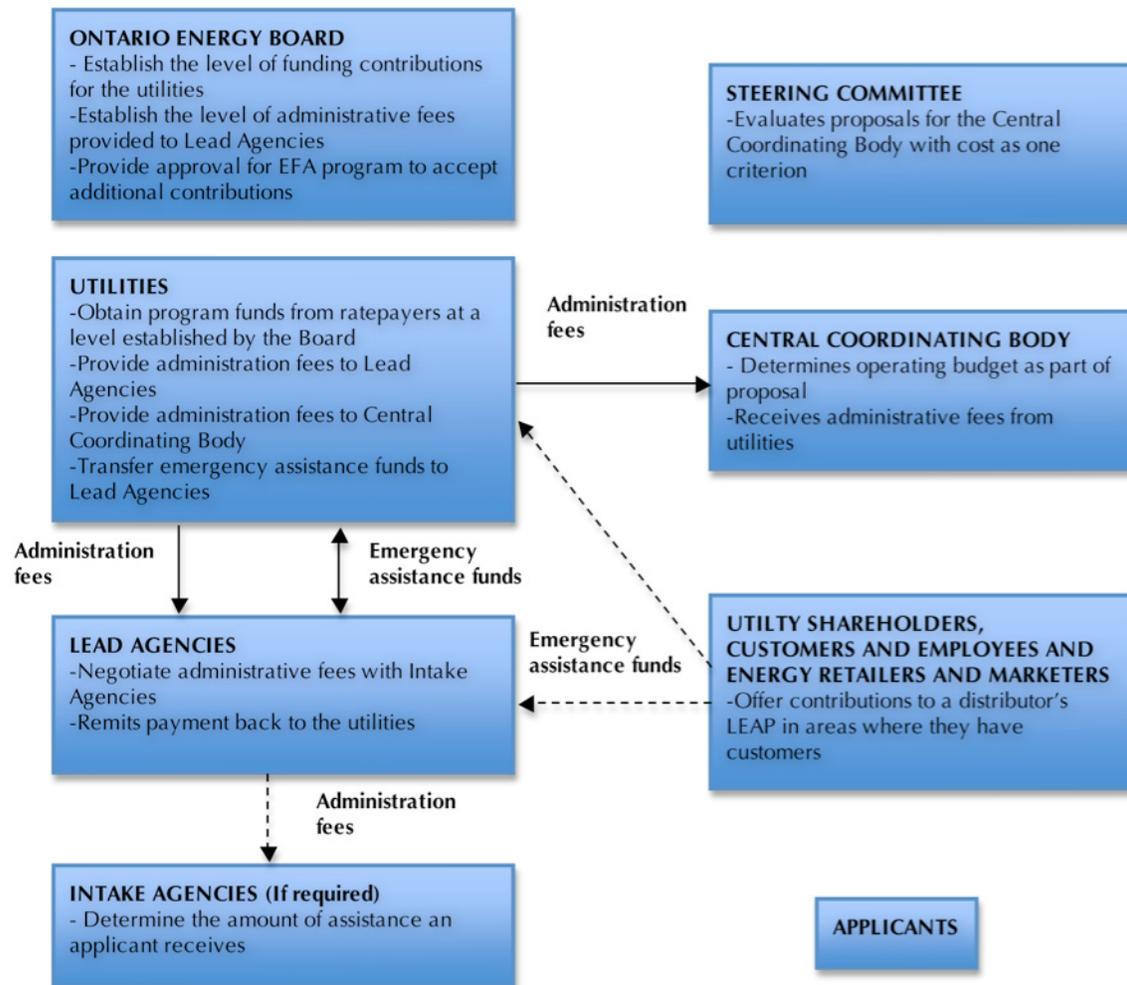
In accordance with the recommendation in the LEAP Report the utilities will obtain program funds from ratepayers at a level established by the Board (the greater of 0.12% of Board-approved total distribution revenue or \$2000).<sup>25</sup>

Regarding administrative funds, the utilities will pay an appropriate administration fee to their Lead Agencies. This administrative fee, along with guidelines outlining the roles and responsibilities of the Lead Agencies for administration and delivery of the program, will be set by the Board. This administrative fee will be a percentage of the total amount of financial assistance money administered by the Lead Agency and will cover both administration and delivery of the program. At issue is what this percentage value will be, and whether the Lead Agencies will be required to pay Intake Agencies for their services (see non-consensus section below for differing views).

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<sup>25</sup> Current funding level as stated by the Board in the LEAP Report.

**Figure 3 Funding for the emergency financial assistance program**



Administration fees will also be paid to the Central Coordinating Body from the emergency financial assistance funds collected from the ratepayers. The level of administrative funds for the Central Coordinating Body will not be preset, but will be based on the budget put forward by the successful proponent in their proposal to the Steering Committee. Cost will be one of the criteria used by the Steering Committee in selecting the successful proponent, but not the only criterion; the least cost proposal may not necessarily be chosen. Any additional services provided by the Central Coordinating Body to the utilities will be compensated by the utility.

In the development of this program framework, the working group has remained conscientious of expenses associated with the development and implementation of this program. It has been stressed by the working group members that money saved by centralized and non-duplicative

administration must not be outweighed by other costs (e.g. administrative fees for the Central Coordinating Body, the creation/adaptation and maintenance of the online database).

Regarding the financial assistance funds, the utilities will transfer the emergency financial assistance funds to their Lead Agency. Successful applicants will not receive any money. Instead, approved funds will be credited to the utility account which is in arrears. The Lead Agency will remit payment back to the utility upon instruction from the Intake Agency (e.g. every two weeks, or more frequently if required by the utility). The Intake Agency will determine the amount of assistance an applicant receives. The Intake Agencies will not handle any of the emergency assistance funds.

Consistent with the LEAP report,<sup>26</sup> there was consensus among the working group members that any remaining funds at the end of the year will be rolled over into next year's budget for emergency financial assistance.

The Board's LEAP Report indicated that electricity retailers and natural gas marketers are strongly encouraged to offer contributions to a distributor's LEAP in areas where they have customers. The working group members agreed that the program will be designed to accept contributions from a number of different sources including utility shareholders, customers and employees, and energy retailers and marketers. What is at issue is how these contributions will be accepted (e.g. whether the funds go to the Lead Agency or to the utility), which applicants will receive the funds (e.g. only those applicants that are customers of the energy retailer will receive a portion of that retailer's contributions to the fund or the retailer contribution will be distributed to both the customers and non-customers of that retailer), and in what manner (e.g. as a top-up to the cap set under the emergency financial assistance program or displacing other program funds, up to the cap).

### **Non-consensus**

The following details of the funding process have not been agreed to by all of the working group members. The questions listed below require resolution.

#### ***Issue: What is an appropriate amount to spend on program administration?***

There was consensus among the working group members that an appropriate administration fee should be paid to Lead Agencies for administering the intake and application administration portion of the

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<sup>26</sup> The LEAP report states: "If there are funds left over at the end of the calendar year, the Board expects that distributors will roll these funds over into the next year, in addition to that year's annual commitment."

emergency financial assistance program. The working group members also agreed that this administrative fee, covering both administration and delivery costs, will be set by the Board and will be a percentage of the total amount of financial assistance money administered by the Lead Agency. What is at issue is what this percentage value should be. A range of between 15 to 30% was suggested by the working group members during discussions at the August 25<sup>th</sup> working group meeting.

CLD: “Based on existing Winter Warmth administration funding, the CLD supports an administration fee of 15% to be paid to the Lead Agencies. This appears to be a reasonable median with other existing social service programs across the province. The Lead Agencies will use this money to fund their incremental costs for administering the program, and at their discretion, can allocate a portion of this funding to their Intake Agencies. It should be noted that the Central Coordinating Body (CCB) will also require an as yet undetermined amount of funding in addition to this 15% being sent to the Lead Agencies. As administration fees will be taken directly out of the funds available for the program, the more is spent on administration, the less is available for customer grants. The CLD, therefore, strongly believes that total administration costs should be kept to a minimum, with Lead Agencies receiving no more than 15%, and the CCB an additional amount based on the result of the RFP process. It would be prudent for total administration not to exceed 20% of available program funds.”

Hydro One: “Hydro One has no information on which to base a response. Our initial recommendation was to establish administration fees during an RFP process.”

NIP: “I would like to have it at 20% to 30%. I think that social service agencies agreed that 15% would be too low.”

Union: “Union believes that program administration costs should not exceed 15%, inclusive of all parties that receive compensation for participation in the emergency financial assistance program for low-income consumers.”

VECC: “The total amount to be spent on Administration (including the Central Coordinating Body) should be no more than 20% and, ideally, closer to 15%.”

### ***Issue: Should Intake Agencies always receive payment for their intake services?***

The working group members agreed that Lead Agencies would negotiate with their Intake Agencies the amount to be paid to the Intake Agencies for conducting intake services for the program. What is at issue is whether the Intake Agencies should be guaranteed payment for their services from the Lead Agency.

VECC: "VECC does not agree with 'an appropriate administration fee should be paid to Lead Agencies for administering the intake and application administration portion of the emergency financial assistance program' unless it is expanded to include Intake Agencies."

***Issue: What is the process for accepting contributions from non-ratepayer sources and distributing these funds to successful applicants?***

The Board's LEAP Report indicated that electricity retailers and natural gas marketers are strongly encouraged to offer contributions to a distributor's LEAP in areas where they have customers. The emergency financial assistance working group agreed that the program should be designed to accept contributions from a number of different sources including utility shareholders, customers, and employees, and energy retailers and marketers. What is at issue is how these contributions will be accepted (e.g. whether the funds go to the Lead Agency or to the utility), which applicants will receive the funds (e.g. only those applicants that are customers of the energy retailer will receive a portion of that retailer's contributions to the fund or the retailer contribution will be distributed to both the customers and non-customers of that retailer), and in what manner (e.g. as a top-up to the cap set under the emergency financial assistance program or displacing other program funds, up to the cap).

CLD: "The process for accepting contributions should be kept simple. Any voluntary contributions should be directed to a specific utility, pooled together with the existing utility ratepayer contributions, and made available to customers on the same basis and under the same criteria. Contributors can be recognized for their donations in program reports, but for reasons of simplicity in tracking, reporting, and operation, identifying or targeting donations to specific sub-groups of customers is not feasible within the framework of LEAP."

DE: "In general we concur with the direction outlined in the final report...DE has argued that utilities do not have the capacity to collect voluntary charitable donations from sources other than their own employees, customers and shareholders...By contrast, social agencies commonly own the relationship with major donors and they have the expertise and the mechanisms to ensure that donors are properly recognized. Most importantly, social agencies are fully accountable to their respective donors.

Another important argument against having retailers contribute to a utility fund is the amount of effort required to monitor, administer, and interact with the vast number of power and gas utilities in the areas in which we serve customers. It would be more efficient if donors were able to work with a few lead social agencies, who could then contract out program delivery with their affiliates... Direct Energy recommends that the design of the LEAP program must be able to accommodate voluntary

charitable donations at the level of Lead or Intake Agencies... DE therefore recommends that contributions from retailers and marketers be voluntary and that they be given discretion over where those funds are directed, that is, there should be no requirement to channel the funds into a utility program. Additionally, retailers and marketers must be able to provide both in-kind (energy efficiency advice) and financial top-up assistance and be properly recognized for their input... We would respectfully suggest that the marketer and retailer role in the (emergency financial assistance program) needs to be outlined and that the proposed framework put forward by DE, as the marketer and retailer representative, be captured in the final report... For a detailed description of the proposed framework put forward by DE, please see their strawman template submission in Appendix C."

Hydro One: "This should be reviewed by the Steering Committee, as part of program evaluation phase-in and expansion recommendations. Where contributions are accepted by utility customers, lead time will be required to set up processes and make billing system changes... Funding from non-ratepayer sources should be used to increase total funds in the program. Increasing a total fund would increase the number of low-income customers receiving help, and aligning third-party funding to third-party customers results in a disparity in funds available to different customers."

LIEN: "LIEN's primary concern is that an unfair incentive to become a retailer customer is not created. LIEN is concerned that applicants should not be able to receive assistance both from the retailer and utility-funded pots of money in such a manner that an incentive to become a retailer client is created.

LIEN urges the adoption of the following policies regarding the distribution of contributions between utilities and utility service territories:

- Funds contributed to (the emergency financial assistance program) from customers in response to customer-specific solicitations should be dedicated to the company from whose customers they were collected.
- Non-utility funding should be considered 'unrestricted' money, the distribution of which is independent of any consideration of the underlying utility provider for a benefit recipient.
- Funds should not be distributed to companies not making contributions to the underlying (emergency financial assistance program)."

Union: "If energy retailers would like to participate in the program, their contributions should be directed to all customers of the utility, not just their own customers."

VECC: “Under the program, Intake Agencies are to determine eligibility and work out a plan which includes a financial assistance contribution but could involve funds from other agencies and/or payment arrangements that will ensure service continuity. In doing so, one of the objectives should be to determine the minimum contribution necessary (as part of the plan) to ensure service continuity. The concept of a ‘top-up’ contribution from other sources is inconsistent with this paradigm. Ideally, funds from other sources would be used to increase the total funds available under the program, thereby increasing the number of low income customers that can receive assistance. The only distinctions between distribution customers that should be relevant to this program are their location within a particular distributor’s service area and their eligibility as a ‘low-income’ customer as discussed throughout the proposal. Making a further distinction between eligible customers based on other factors, like their affiliation to a third party contributor of funds, with a resulting disparity in the funds available to different customers based on such factors, would be fundamentally inappropriate.”

### *3.7 Long-term coordination and administration of the emergency financial assistance program*

#### **Consensus**

There was consensus among the working group members that the emergency financial assistance program framework developed, and presented in this report, is intended to be a long-term solution for low-income energy customers in Ontario. The first year that this program is implemented, will be a significant learning year for all stakeholders. Built into the program framework are feedback loops for ongoing evaluation, improvement and modification of the program’s processes and roles and responsibilities. Therefore, even though this program framework was designed for the long-term the framework and program details may evolve over time with experience in program delivery..

The working group members also agreed that in the long-term there should be a greater focus on coordinating applicants across all elements of LEAP (in accordance with Guiding Principles 11 and 12), for example automatic referrals from one program component to the others (i.e. this program and the low-income DSM program).

#### **Non-consensus**

There were no differing views with the consensus reached.

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## Appendix A. Written comments on the draft report

This appendix contains the written comments on the draft report submitted by the emergency Financial Assistance Working Group members on September 10<sup>th</sup>. Page number references are no longer applicable, however the substance of these comments remain relevant. With regards to non-consensus views, these comments have been incorporated as direct quotes into the body of this report. All comments presented in this appendix are as they were received by the facilitator.

- CCC
- CHEC
- CLD
- DE
- Enbridge
- Hydro One
- LIEN
- NIP
- Union
- United Way
- VECC

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## **Appendix B. Written comments on the revised draft final report**

This appendix contains the written comments on the revised draft final report submitted by the emergency Financial Assistance Working Group members on September 23<sup>rd</sup>. With regards to non-consensus views, these comments have been incorporated as direct quotes into the body of this report. All comments presented in this appendix are as they were received by the facilitator.

- CCC
- CLD
- Hydro One
- LIEN
- Union
- VECC

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## **Appendix C. Direct Energy and LIEN strawman template submissions**

This appendix contains the strawmen submissions of Direct Energy and LIEN. These strawmen submissions have been appended to this report as direct reference to these documents were made in Direct Energy's and LIEN's comments on the draft report and/or revised draft final report.

- DE
- LIEN





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