

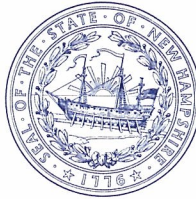
DE 10-192

THE STATE OF NEW HAMPSHIRE

CHAIRMAN  
Thomas B. Getz

COMMISSIONERS  
Clifton C. Below  
Amy L. Ignatius

EXECUTIVE DIRECTOR  
AND SECRETARY  
Debra A. Howland



**PUBLIC UTILITIES COMMISSION**

21 S. Fruit Street, Suite 10  
Concord, N.H. 03301-2429

Tel. (603) 271-2431

FAX (603) 271-3878

TDD Access: Relay NH  
1-800-735-2964

Website:  
[www.puc.nh.gov](http://www.puc.nh.gov)

July 21, 2011

Debra A. Howland  
New Hampshire Public Utilities Commission  
21 South Fruit Street, Suite 10  
Concord NH 03301

RE: Electric Assistance Program

Dear Ms. Howland:

Enclosed please find the most current version of the CAA Procedures Manual for the electric assistance program (EAP). The manual has been updated to reflect changes made to the EAP in Commission Order 25,200 issued on March 4, 2011. No changes were required to the other EAP procedures manual as a result of the Commission's order.

Sincerely,

A handwritten signature in blue ink that reads "Amanda O. Noonan".

Amanda O. Noonan  
Director, Consumer Affairs

# **New Hampshire Electric Assistance Program CAA Procedures Manual**

## **1. The Application Process**

### 1.1. Eligibility

Eligibility for New Hampshire EAP is based on these requirements:

- a) Household income is less than or equal to the federal poverty guideline (FPG) eligibility level currently set by the New Hampshire Public Utilities Commission (e.g., 150% FPG, 175% FPG);
- b) The beneficiary must be the primary customer of record with the utility;
- c) The application is for the customer of record's primary residence; and
- d) The customer of record's utility account must have a residential tariff or rate.

#### 1.1.1. "Household" defined

The New Hampshire definition of "household" is derived from the Federal Low Income Home Energy Assistance Act, as amended. This definition provides two criteria, which must be met to establish the presence of a "household":

- a) Residential electricity customarily purchased in common; and
- b) An individual or group of individuals living together as one "economic unit."

#### 1.1.2. "Categorical eligibility"

Categorical eligibility, where a person qualifies for one program simply because they are a participant in another program, shall not be utilized for the EAP. Anyone wishing to participate in the program must complete an application and document their eligibility based on household income.

#### 1.1.3. CAA's Role in Determining Eligibility

The local CAA shall determine eligibility through the application and certification process. The local CAA shall ensure that applicants have provided adequate and accurate documentation of gross income for the entire period indicated and otherwise have attested to the truth of the information submitted on the applications. All applications must be complete, with all supporting documentation attached.

## **1.2 Completing the Application**

All required information for the EAP application and re-certification must be recorded accurately including the number of household members, household data, income information, electric delivery company and competitive supplier, if any, account numbers, dates and signatures. It is the responsibility of the CAA to verify that this information is complete and correct.

### **1.3 Calculating Household Income**

At the time of application, the household size and income is needed to determine the appropriate discount level under the current year **EAP Income Guidelines**. The applicant must provide written documentation of all household income for the time period specified for program eligibility.

The intake process should begin by assessing a household's eligibility for a 30-day time period. Income may also be calculated on an annual or year to date (YTD) basis if it would enable otherwise ineligible households to meet income eligibility. The income documentation would then cover a period of not more than the previous 365 days from the date of application, or the number of days since January 1 of the current calendar year (YTD).

Households with income from sources such as self-employment, rental property, contracted employees such as educators or sales commissions must have that income documented for a 365-day time period for purposes of the application process.

Income is calculated by adding all countable income from every source for each household member and listing it in the income information section of the EAP application. The income for all household members is then totaled for complete household income for the pre-determined time period. The same time period should be used for examining the income of all household members. An exception to this rule may be made in the case of households with self-employed members, whose income over a 365-day period must be examined while other household members may submit income documentation for different periods.

### **1.4 Documenting Income**

Applicants must provide written documentation for all income reported on the application. Documentation must be provided for the entire time period as specified on the application. Written documentation may include payroll stubs, copies of checks, signed statements from the payment source, bank statements for direct deposits and interest, current eligibility letters, and other documentation as deemed appropriate by the CAA. It is the responsibility of the CAA to insure that all written income documentation is accurate, legible, and complete.

Applicants with no or very low income must provide written documentation of how the household has met the basic living expenses such as rent, energy costs, and food. Documentation may include a statement from town or city welfare, friends or family, Food Stamp notification letter, or other assistance provided during the determination period.

### **1.5 Countable Income**

Countable Income refers to the total cash receipts before taxes within the documentation period from the following sources:

- Alimony
- Annuity payments (pro rated annually from previous year's income taxes)
- Assistantships (e.g., an appointment awarded on an annual basis to a qualified graduate student which requires part-time teaching, research, or residence hall duties and carries a stipend)
- Child support

- Commissions (net)
- Dividends
- Contracted educational wages (pro rated annually)
- Gambling winnings (net)
- Government employee pensions (including Military Retirement Pay)
- Grants (taxable grants used for education purposes)
- Interest (over \$100 a year)
- Lottery winnings (net)
- Military family allotments
- Other *regular* support from an absent member or someone not living in the household paid directly to the household member.
- Pensions
- Periodic receipts from estates
- Periodic receipts from trusts
- Railroad retirement
- Regular insurance payments
- Regular worker's compensation payments
- Rental income (net)
- Royalties (net)
- Salaries and money wages before any deductions
- Self-Employment (net non-farm)
- Senior Community Services Employment Program (SCSEP) income  
e.g. Green Thumb, AARP, State of NH subcontracts to Belknap-Merrimack CAP
- Social Security (net after Medicare deduction)
- Supplemental Security Income (SSI)
- State welfare payments (ANB, TANF, APTD, OAA)
- Tip income (may be self-declared if no other documentation is available)
- Training stipends
- Unemployment compensation
- Veteran's payments

### **1.6 Non-Counted Income**

Disregarded Income refers to payments made to or support received by household members that should not be added when establishing EAP eligibility:

- Aid and Attendance VA benefit for severely disabled veterans
- Assets drawn down as withdrawals from a bank
- Capital gains
- Child care assistance payments
- Child support payments paid out during the income period
- Corporation for National Service payments including:  
VISTA, Americorps, Senior Companions and Foster Grandparents
- Employee fringe benefits
- Employer-paid or union-paid portion of health insurance
- Foster Care Reimbursements

- Federal work study for students
- Fellowships (e.g., a scholarship or grant awarded a graduate student in a college or university)
- Fuel Assistance Program benefits
- Gifts
- Goods or housing received in lieu of wages
- Imputed value of rent from owner-occupied non-farm or farm housing (Self-employed only is a non-cash tax shelter)
- Earned Income from full time high school students
- Loans
- Lump-sum inheritances
- Medicare deductions from Social Security and Railroad Retirement benefits
- Money earned as part of a SSI PASS Plan
- Non-taxable grants
- One-time compensation for injury
- One-time insurance payments
- One-time or irregular payments from a welfare agency to a family or person who is in temporary financial difficulty
- Reimbursement or money paid to an employee to pay back or compensate them for money spent as a result of their employment
- Reverse mortgages
- Sale of a car, truck, tractor (non-business assets in general)
- Sale of house
- Scholarships or other educational financial assistance funded in whole or in part by federal funds and intended for attendance costs (e.g., tuition, fees, materials, supplies, books, transportation, room and board)
- Tax refunds
- The first four hundred dollars (\$100) of interest earned annually
- Utility allowances provided to subsidized renters
- Value of food or fuel produced and consumed on farms

### **1.7. Eligibility of Special Cases**

There are times when the CAAs must deviate from the standard application procedures to accommodate an applicant with special circumstances. The following procedures should be used to determine eligibility when applicable

#### **1.7.1. Self-Employment**

Due to the cyclical nature of some self-employment, income must be documented on an annual basis for all self-employed individuals. If an individual has not been self-employed for a full year, the total number of days from the start of the self-employment shall be used to calculate income. The following guidelines shall be used in determining income for a self-employed person.

##### **1.7.1.1. Self-employment Income**

Self-employed individuals must provide the most current Federal Tax Return (Form 1040), along with Schedule C (or C-EZ if applicable). If Form 1040 and Sch. C are not available (less than one year of self employment, etc) then applicant may complete a **Self-Employment Income Statement**. It is the applicant's responsibility to provide adequate proof of income and

expenses. The Schedule C can be used as documentation. Applicants applying after January 31 of any given year must provide copies of their return from the previous year or document income back 365 days from the date of application.

Depreciation deductions are not an allowable expense and shall be added back into the net profit amount when using an applicant's tax filing, except in the case of depreciation factors included in mileage payments. Negative self-employment income is not to be subtracted from other household income but rather counted as zero (0).

Supporting documentation for the **Self Employment Income Statement**, including business records and receipts must be provided by the applicant in an orderly format. The application cannot be processed until the supporting documentation is presented. It is the CAA's responsibility to verify that all submitted documentation is accurate and complete.

Income from households that also receive income from other sources, along with self-employment income, shall be calculated in the following manner:

All household income, other than self-employment, shall be documented for a 30-day period. The annual income derived from self-employment shall be divided by 12 and then pro rated monthly. Self-employed income shall be added to the other household income to determine eligibility.

#### ***1.7.1.2. Specific Instructions for Completing the Self Employment Income Statement***

The following is a list of specific descriptions for the allowable deductions for self-employment income. Any expense category included in the Tax Return Form 1040 Schedule C that is not expressly restricted or prohibited in this manual should be included as a deduction against self-employed income.

**Advertising:** Costs relating to business advertising in newspapers, radio, television, leaflets, brochures, etc., are deductible, with the exception of political ads and foreign advertising.

**Bad Debts:** Bad business debts are deductible if there has been an actual loss of money or if the individual has reported the amount of money to be paid as income.

**Car & Truck:** There are two methods for determining deductions: Actual Costs and Standard Mileage Rate. If using the actual costs method deduct: gas, oil, tolls, tires, licenses, garage rent, parking fees, lease fees and rental fees. If a car is used for both business and personal use, multiply the actual costs by the percent of time car or truck is used for business (i.e., a car used 60% of the time for business with \$2,000 annual costs would have a \$1,200 deduction or  $60\% \times \$2,000 = \$1,200$ ). If using the standard mileage rate, multiply the business-related miles by the current IRS rate for a mileage to arrive at the allowable deduction. You may also deduct: parking fees, tolls, and state and local personal property taxes. Records must be kept showing daily business mileage and a yearly business mileage figure.

**Insurance:** Payments for work-related insurance premiums are deductible including premiums for fire, theft, flood, casualty, merchandise, inventory, liability, public liability, malpractice,

worker's compensation, state unemployment insurance, use and occupancy and business interruption. Employees' group insurance is also deductible as long as applicable nondiscrimination rules are complied with.

**Interest:** The interest payment on business loans, business credit cards (used to purchase strictly business items) and mortgages are deductible.

**Legal and Professional Services:** Legal and professional fees (i.e., accountants, lawyers, etc.) that are ordinary and necessary expenses of operating a business are deductible. Legal fees you pay to acquire business are not deductible.

**Rent:** Costs relating to the use of property you do not own, such as cars, tools, equipment and property are deductible.

**Repairs:** Minor costs relating to the repair of work-related property or equipment is deductible

**Supplies:** The costs of incidental supplies and materials such as office supplies, tools, books, professional instruments, and equipment are deductible as long as they are normally used up within a year.

**Taxes:** Taxes relating to the cost of running a business or a profession are deductible, including: sales, business profits, licenses, regulatory fees, state unemployment payments, corporate franchise taxes, user fees and property taxes.

**Travel:** Normal expenses are deductible when traveling for business. Deductible expenses include: airplane, bus and train tickets; operating and maintaining vehicles (refer to "Car & Truck" section above); and meals, lodging and other ordinary and necessary expenses relating to business travel. Only 50% of expenses on meals and entertainment, however, are deductible. Expenses that are lavish, extravagant or are for personal or vacation purposes cannot be deducted. Expenses for travel/commuting between home and office cannot be deducted.

**Utilities:** Normal costs associated with running an office or a business are deductible, such as electricity, heating fuels and telephone. If a home office is used, only the second phone line or actual long-distance, business phone calls are deductible.

**Wages:** Wages, salaries, bonuses and gifts paid to employees, including anyone who is not a member of the household applying for EAP, are deductible. In the case of household members on a "payroll," be sure that their income is not counted twice.

**Other:** Membership dues and subscriptions to professional, technical or trade journals that deal with your business are deductible. Penalties and fines resulting from the non-performance of a contract are deductible. However, fines and penalties resulting from criminal or legal action paid to any government agency are not deductible. The costs of medical insurance premiums are deductible at a 25 percent rate (i.e., \$1,000 premium x 25% = \$250 deduction). Fuel costs relating to purchase of gasoline, diesel, gasohol, etc., used for work-related equipment are deductible (Refer to "Car & Truck" section above for transportation fuel). The costs of maintaining a business bank account, such as monthly service charges, check cashing charges;

bad check charges, etc., are deductible. The cost of cleaning and janitorial services is deductible. All deductions under the “Other” heading should have a schedule attached.

When a business is operated out of a person's house or apartment, be it owned or rented, use the following method to calculate the allowable deduction for expenses such as taxes, insurance, electricity, natural gas or telephone, interest and rent: Divide the number of rooms used for the business by the total number of rooms in the house/apartment, not including bathrooms and halls to determine the percentage of the deduction. For example, a four (4) room apartment with one (1) room used for the business results in 25 percent (1/4) of the expenses as the allowable deduction. A nine (9) room house with two (2) rooms used for business results in 22 percent (2/9) of the expenses as the allowable deduction.

### **1.7.2. Rental Property Owners and Income**

Applicants with income from rental property must provide the most current Federal Tax Return (Form 1040), along with Schedule E. If Form 1040 and Sch. E are not available (less than one year ownership in income producing property, etc) then applicant can complete an **Income Statement for Landlords**. Applicants who apply after January 31 must provide copies of their previous year's return or document income back 365 days from the date of application.

Rental business expenses from occupied rental units are deductible. These expenses may include fuel and electric costs, property taxes, repairs, mortgage interest, advertising and general maintenance costs. The landlord's personal living space expenses cannot be deducted. In a situation where an applicant owns and resides in one apartment of a two-family house and one half (1/2) of the building is rental producing, one half (1/2) of the expenses may be deducted.

### **1.7.3. Subsidized Housing**

Tenants residing in subsidized housing shall be eligible for benefits if they meet the following criteria:

- a) Must meet all other EAP requirements for eligibility; and
- b) Must be responsible for paying their electric bill.

### **1.7.4. Shared Housing**

Shared housing is a situation where two or more individuals reside in the same residence, but as separate households. These households may include individuals who are boarders, students or custodial caregivers. The following descriptions should provide guidance to the CAAs for evaluating the eligibility of an applicant who lives in shared housing. All applications shall be first based on the premise that a household consists of all individuals living within a residential unit. All other living situations shall be evaluated on a case-by-case basis.

#### **1.7.4.1. Boarder**

A boarder is defined for EAP purposes as an individual who lives within a residential unit but is not a household member, pays into the household a stipulated amount for meals and/or lodging, is not related to any household member, and has at least one room for their private use. A boarder by definition would not be the electric service primary customer of record for the



residence. Boarders cannot apply for the EAP. If the applicant is the primary customer of record and lives in shared housing, refer to sections on “Roommates” or “Tenants”, below.

A boarder should not be counted as a household member when the primary customer of record within the shared household applies for the EAP, and the boarder's income should not be added to the household's income. A signed statement from the boarder must document the amount of the payment to the applicant.

#### **1.7.4.2. Custodial Care Provider**

A custodial care provider is defined for EAP purposes as an individual who lives with an elderly (65 and over) or disabled individual(s) solely for the purpose of providing essential health or supportive services to the elderly or disabled individual(s).

The custodial care provider shall not be included as a household member on the application and his/her income shall not be included in the total household income if either of the following conditions exist:

- He/she has a primary residence somewhere else.
- He/she gave up a primary residence for the sole purpose of giving care to the elderly or disabled individual(s).

The applicant must have a letter from a physician stating medical need for an in-home provider.

#### **1.7.4.3. Group Homes**

When the owner of a group home applies for the EAP, the following criteria shall be used for determining eligibility:

In owner-occupied, licensed homes, the owner shall be considered self-employed.

Owner-occupied, non-licensed homes shall be treated as one household and income from all residents shall be submitted and documented.

Occupants of group homes that apply for the EAP must meet all usual eligibility requirements as outlined in Section 1.1.

#### **1.7.4.4. Roommates**

A roommate is defined for EAP purposes as an individual who shares a residential unit with (an)other individual(s), sharing expenses.

For an EAP household with roommates, the total number of household members and total income of all roommates (household members) are used to determine eligibility.

The roommate applying for the EAP must be the electric primary customer of record.

#### **1.7.4.5. Tenants**

A tenant or renter is someone that pays rent to occupy a building owned by another. Tenants of

rental property are eligible for the EAP if they meet the eligibility requirements outlined in Section 1.1.

#### **1.7.5. Students**

Any full-time college or university student eligible for the EAP under the regular program guidelines must meet the following requirements:

- The definition of a household as defined in section 2.0, above.
- Not be a dependent in any other household (students under age 25).

Any college or university student may be included as a household member on his/her parent/guardian's EAP application if the student is under age 25 and is claimed as a dependent on the parent/guardian's Federal Income Tax return.

A student can only be listed as a household member on one EAP application during any one EAP Program Year.

Documentation of a student's dependent status may be required to complete the EAP application. Acceptable documentation may include a copy of the student or parent's IRS tax or federal financial aid forms.

#### **1.7.6. Foreign Students**

Foreign students who are in the United States on a non-immigrant student VISA (Immigration and Naturalization Services, certificate I-20A) are eligible for the EAP as long as they meet all other program requirements outlined above.

#### **1.8. Determining Electric Costs**

The EAP system defaults to projections if less than 12 months usage is entered. **Actual usage will be measured by the participant's utility company.**

The applicant shall be required to provide the CAA with their most recent monthly bill at the time of application.

#### **1.10. Calculating the Discount Tier**

The CAA shall be responsible for determining the tiered discount rate applicable to each eligible, certified household.

The benefit shall be determined as follows:

- Total household income (See sections 2.2 above) and the number of household members shall be used to calculate the household's poverty level, expressed as a percentage, (i.e., 100%, 127%, etc) of the most recent Federal Poverty Guidelines published by the US Dept of Health and Human Services, as approved by the New Hampshire Public Utilities Commission.
- Using the household's FPG level, the appropriate, corresponding tier of the discount rate shall be assigned. Tiers shall be assigned a number from 1-5.

### **1.11. Certifying the Application**

An application can be certified when all questions on the application necessary for determination of eligibility are answered; complete documentation of all household income for the appropriate time period is attached; and the application is signed and dated by the client and the intake worker.

If an application is found by the certifier to be incomplete or ineligible for the EAP it shall be sent back to the intake worker for further collection of information or for assigning a status of "Pre-Denied."

All completed applications must first have a status of "Pre-Accepted" or "Pre-Denied" marked by the intake worker, and then an "Accepted", "Enrolled", "Denied" or "Wait Listed" status set by the certifier.

Once the CAA certifies an application, the EAP software shall assign the tier of the discount appropriate for the participant's account. If the program allows for the payment of pre-program arrears, the EAP software shall determine whether the participant is eligible for this benefit. The CAA shall enroll the application in the EAP database which shall generate an Enrollment Notification transmission to the utility.

All applications must be completed and submitted by the applicant within thirty (30) calendar days of the application start date. In the event an applicant does not provide all required documentation within thirty (30) calendar days of the application start date, the application shall be denied for insufficient documentation. The CAA has thirty (30) calendar days after the application completion date to certify the applicant to be EAP eligible or to deny the application. *The applicant must be informed in writing at the time of intake what appropriate documentation must be provided by the applicant and of the timeline for providing this documentation.* If the applicant is denied for insufficient documentation, he or she may re-apply for the program at any time. If the applicant is denied for any reason other than insufficient documentation, he or she may re-apply if circumstances affecting eligibility have changed.

Written notice of eligibility shall be sent no later than 30 days from the date the enrollment notice transaction is sent to the utility. Written notice of denial shall be sent within five business days of when the decision is made. When a household is found eligible for the EAP, an Authorization Letter is mailed to the Customer of Record (COR). When a household is denied for the EAP, a COR Denial Letter and an Appeal Process Notice are mailed to the COR.

Records of all correspondence pertaining to eligibility must be maintained and be easily accessible. CAAs shall not keep hard copies of letters. A record that a letter has been sent shall be automatically saved by the EAP system in the history section of the applicant's case. *(The "history" section of the EAP case shows that a letter has been generated and the date it was generated.)*

#### **1.11.1. Certification & Enrollment**

The CAA shall notify the Utility that a customer has been enrolled in EAP via a transmission from the EAP system. This enrollment notification shall include: the customer of record name; service address; utility account number; unique identifier; the appropriate tier discount the participant should be assigned to and whether this enrollment is a new one or a recertification. If the design of the program allows for the payment of pre-program arrears, the CAA shall also notify the Utility of whether or not the participant is eligible for this benefit, through the pre-program arrears indicator.

Each EAP case shall automatically be assigned a unique identifier for the customer of record that shall be used in all correspondence and the notification to the utilities. This unique identifier shall remain constant while the customer of record is enrolled in the program, regardless of the utility from which the customer of record is taking service.

Participants who are 65 years of age or older and in whose households all members are 65 years of age or older and live on a fixed income shall be certified for a 24-month period. For all other participants, the certification period shall be 12 months.

### **1.11.2. Re-certification**

No later than the end of the certification period, or earlier than 97 days prior to the end of the certification period see 1.11.1., the participant may apply for recertification.

All participants shall be assigned a new EAP case number for each 12- or 24 month period in which that participant receives benefits (known as the Participant Program Year).

At the time of re-certification, the CAAs shall re-examine the participant's income and household status to ensure continued compliance with program eligibility. To re-certify a participant's eligibility, the CAA shall require updated income-verification documents from the participant. During the re-certification process, a participant's discount tier and eligibility shall be re-examined based on changes in the participant's circumstances as well as any changes to the program criteria.

The CAA shall make adjustments to the participant's enrolled application, as necessary. Changes in eligibility or discount tier shall be communicated to the utility via transmissions from the EAP system.

The CAAs shall send out reminder letters to participants 45 days before the end of their certification period notifying them that their certification shall be expiring. The reminder letter shall provide instructions on how to re-certify and what documentation is needed for the process. The CAAs will call participants approximately 15 days before the end of the certification period.

Participants must have a scheduled appointment with the CAA or have an application in process on or before the end of their 12- or 24-month certification period. In the event that a participant fails to re-certify or is denied re-certification, the CAA must send a Customer Removal Notification transaction to the utility no more than ten business days from when the participant's certification period has expired. The CAA shall also notify the participant in writing of the removal from the program within 10 business days of the decision.

Provided that funds are available, there shall be no interruption of benefits during the re-certification process for EAP participants who continue to meet the eligibility criteria for the program. If, at time of recertification, program funds are not available, the participant may be recertified onto the Wait List. Participants who are determined to be ineligible during the re-certification period shall be removed from the program. Participants who fail to re-certify shall be removed from the EAP.

### **1.11.3. Non-Periodic Re-evaluation**

Occasionally, there shall be situations which merit reconsideration of a participant's benefit level prior to their annual or biennial re-certification. Participants may apply for re-evaluation when there has been a significant change in household income or in the household status. Significant changes in

household income or household status are defined as changes which would affect the tier of the discount rate assigned to the participant.

When information is brought to the attention of the CAA that there has been a significant change in the participant's household income or household status, the CAA shall conduct an interim re-certification. If the participant is determined to be ineligible during the interim re-certification, the participant shall be removed from the program at the time of the determination of ineligibility following notice to the participant and expiration of the appeal period set forth in Section 3.2 below.

### ***1.12. Participant Relocation (Moves)***

In order to continue receiving EAP benefits after a move or relocation, it is the client's responsibility to contact their local CAA to provide the information necessary to continue program benefits. This information may include: original address; new address; original utility account number; and new utility account number. While this responsibility lies primarily with the customer, other participating EAP agencies, utilities or parties may assist in the collection and forwarding of this "move" information insofar as that is practical.

When a participant moves from their current address, one of the following procedures shall be followed.

#### ***1.12.1 Within the Same CAA and Same Utility***

If a participant moves within the same CAA territory and re-establishes service with the same utility within a 30-day period they shall automatically be placed back within the discount tier that they were originally assigned for the remainder of the certification period. The utility shall notify the CAA of the new address and new account number. The CAA shall make, and communicate to utility, appropriate changes to the enrolled application such as new address, and new utility account.

#### ***1.12.2. Within Same CAA to a Different Utility***

If a participant moves within the same CAA territory and establishes service with a new utility, the participant shall notify the CAA. Upon notification, the CAA shall request a bill for the new utility account and shall make appropriate changes to the participant's enrolled application. These changes shall generate a new enrollment transmission to the new utility.

If a participant does not notify the CAA of a change in utility and the CAA receives a total of two consecutive transaction error reports on the participant from the old utility, the case shall be set to "withdrawn" by the EAP software. The CAA shall deobligate or remove the enrolled (now "withdrawn") application and send a Removal Letter to the participant, enclosing the EAP Appeals Procedures.

#### ***1.12.3. Move From One CAA Territory to a New CAA Territory – Same or Different Utility***

If a participant moves from one CAA territory to another CAA territory and either reestablishes service with the same utility or establishes service with a new utility, the participant shall notify one of the CAAs or the utility (if the utility is not changing). If the participant notifies the utility (participant must re-establish service with the utility within 30 days from the date of the move),

the utility shall notify the *original* CAA of the change of address and new account number. The *original* CAA shall make the changes in the address but *NOT* account number, move the enrolled case to the *new* CAA, and notify the *new* CAA by email informing them that the case is being moved to their CAA. The *new* CAA shall complete the move transaction including changing the utility account number.

If the participant notifies the *original* CAA and informs the original CAA that the participant is moving to a town in *another* CAA's territory and has new electric account information, the *original* CAA may collect *all new* account information and communicate this information to the *new* CAA. If the participant does not have the new account information, the *original* CAA shall instruct the participant to contact the *new* CAA as soon as the participant has established electric service at their new address.

When the participant contacts the *new* CAA, the *new* CAA shall request the appropriate information from the participant and shall either continue the participant's discount at the same utility or enroll the participant with the new utility.

### **1.13. *Withdrawal or Removal from Program***

When the CAA fails to receive two consecutive utility transmission reports for a case, that case is automatically set to a "withdrawn" status, and the CAA shall remove the case from the database and notify the utility of the removal. The CAA shall also send a Removal Notice to the participant, which shall include the Appeals Procedures.

## **2. *Applicant Rights and Responsibilities***

### **2.1. *Confidentiality***

It is of the utmost importance that applicants are guaranteed complete confidentiality regarding information disclosed to all persons involved in the administration of the EAP.

The applicant agrees to authorize the release of information when completing and signing the EAP application form. This authorization permits only the following:

- Contact of third parties and collection of information to verify household income, electric usage and or cost, and other information necessary to establish eligibility for EAP;
- Information necessary to determine amount and type of assistance;
- Information released to the Fuel Assistance Program and NH Weatherization Assistance Program for purposes of establishing eligibility;
- Information released to the utilities for purposes related to the workings of the EAP or other customer service programs within the same utility.

The CAA shall not release any other information without an additional specific release signed by the applicant.

## **2.2. Appeal Procedures**

Any applicant or participant who has a grievance concerning denial of benefits, removal from the EAP or placement on the waiting list may file an appeal of the decision.

When an applicant is denied benefits, removed from the program or placed on a waiting list, the CAA shall provide written notification of the denial of benefits, removal from the program or the placement on the waiting list to the EAP applicant or participant. At the time of such notification, the CAA shall provide, in writing, information about the EAP Appeals Procedures to the EAP applicant or participant.

The written notification to EAP applicant or participant who has been denied benefits, removed from the program, or placed on the waiting list shall include the following information:

- a) A brief statement of the reason(s) for denial of benefits, removal from the program, or placement on the waiting list;
- b) A statement of the right to appeal the decision; and
- c) A brief explanation of the EAP appeal process including all necessary information needed to file the appeal, including that a discussion with the CAA EAP Director is required.

All appeals shall be resolved within thirty days.

Upon notification that an appeal is in process, the Program Administrator shall not remove the participant from the program (unless the participant has *already* been removed and the appeal is relative to that action), and the CAA shall not de-obligate any funds pending the outcome of the appeal.

### **2.2.1 Appeal Procedures - Step One**

Step one of the appeals process shall consist of an exchange between the applicant or participant and the CAA EAP Director. The applicant or participant shall initiate the exchange by contacting the CAA EAP Director. The contact may be made either over the phone, in-person, or in writing and must occur within ten (10) business days of the applicant or participant's receipt of the written notification of their program status. During the exchange between the applicant or participant and the CAA EAP Director, the applicant or participant shall have an opportunity to express his or her concerns and issues.

The CAA EAP Director shall review and attempt to resolve the applicant or participant's dispute. The CAA EAP Director shall document the exchange between the applicant or participant and the CAA EAP Director and the resolution of the dispute. The documentation shall contain information relative to the eligibility requirements or benefit determination.

The CAA EAP Director shall notify the applicant or participant of the decision in writing within ten (10) business days of the exchange between the applicant or participant.

The CAA EAP Director shall notify the Program Administrator that an appeal has been filed and of the results of step one of the appeals process and that such appeal must be made within ten (10)

business days of receipt of the decision of the CAA EAP Director.

If the applicant or participant is not satisfied with the CAA EAP Director's decision, the CAA EAP Director shall remind the applicant or participant verbally and in writing of his or her right to appeal the decision to the Public Utilities Commission's (PUC) Consumer Affairs Division.

### **2.2.2 Appeal Procedures - Step Two**

Step 2 of the appeal process shall consist of a review by the PUC's Consumer Affairs Division to determine whether the CAA EAP Directors' decision is correct. Upon receipt of the written notice of decision from the CAA EAP Director, the applicant or participant may submit an appeal, either verbally or in writing, to the PUC's Consumer Affairs Division (1-800-852-3793 or <http://www.puc.state.nh.us/Consumer/complaint.htm>). Such appeal to the Consumer Affairs Division must be made within ten (10) business days of receipt of the decision of the CAA EAP Director.

The Consumer Affairs Division's review process includes the following:

- a) Upon receipt of the applicant or participant's oral or written appeal, the Consumer Affairs Division shall notify the Program Administrator that an appeal has been submitted. The Program Administrator shall provide the Commission and the applicant or participant with any information required to review the appeal.
- b) The Consumer Affairs Division shall advise the applicant or participant to review the information sent by the Program Administrator. The Consumer Affairs Division shall advise the applicant or participant of his or her right to provide additional information, either orally or in writing.
- c) The Consumer Affairs Division shall review the information provided by all parties, including the Program Administrator, and determine whether the CAA EAP Director's decision was made in accordance with the EAP rules and policies. In appeals involving allegations of fraud, the Program Administrator has the burden of demonstrating willful intent to misrepresent or defraud.
- e) The Consumer Affairs Division shall notify the applicant or participant, the CAA EAP Director, and the Program Administrator of the outcome of its review within ten (10) business days from the date of receipt of the appeal. Such notification may be made verbally or in writing.

### **2.3. Fraud or Willful and Deliberate Misrepresentation**

Misrepresentation(s) may occur during the application process as a result of misunderstandings or ignorance. Third-party information to the CAA may also conflict with what the applicant or participant has stated on his or her application.

A local CAA should follow the procedures outlined in this section when information on the applicant or participant's EAP application conflicts with:



- a) Third party information;
- b) Documentation;
- c) Verbal information provided by applicant or participant; or
- d) Information provided by the utility.

Fraud differs from a misrepresentation resulting from a misunderstanding or ignorance. A perceived incidence of fraud by an EAP applicant or participant must be confirmed by evidence of deliberate and willful intent to defraud.

Any third-party information alleging fraud or misrepresentation must be in writing and signed by the alleging party. The burden of proof resides with the party alleging the fraud or willful and deliberate misrepresentation.

In cases involving fraud or willful and deliberate misrepresentation, the final determination of whether or not to deny the application shall require the approval of the Program Administrator.

In situations involving fraud or willful and deliberate misrepresentation, the local CAAs shall utilize the following process.

***2.3.1. If potential fraud or willful and deliberate misrepresentation is identified during the application process:***

**2.3.1.1.** The local CAA shall contact the applicant in writing and request his or her assistance and cooperation in providing supplementary support for or clarification of the information contained in the application. If additional documentation is required, the CAA shall request the information from the applicant.

**2.3.1.2.** If the applicant responds as requested the CAA EAP Director will evaluate the information provided, will determine appropriate next steps.

**2.3.1.3** If the applicant does not respond within 10 business days or does not provide satisfactory information, the local CAA shall notify the CAA EAP Director of the situation in writing. The CAA EAP Director shall then conduct the review process from this point forward. The review process shall take no more than 30 business days.

**2.3.1.4.** The local CAA shall place the approval process in an “incomplete” status while further review by the CAA EAP Director takes place. The review process shall not exceed 30 business days. During the review process the 30-calendar day window to certify the application shall be suspended. No funds shall be obligated for the applicant during this review.

**2.3.1.5.** The CAA EAP Director shall obtain further information and clarification regarding the application as needed.

**2.3.1.6.** If the CAA EAP Director determines that no further review is necessary or that the information received has been clarified to the satisfaction of the Program Administrator, then the application approval process shall resume.

**2.3.1.7.** If the CAA EAP Director determines based upon information received and further review that the application cannot be approved because of sufficient proof of fraud or willful and deliberate misrepresentation, the application shall be denied.

**2.3.1.8.** The CAA EAP Director's decision to deny an application shall be approved by the Program Administrator. The CAA EAP Director shall notify the applicant in writing of any decision and a copy of the letter shall be kept in the applicant's file. The written notification shall include notice of the applicant's right to request an appeal and notice of the appeal process (see section 2.2, above).

**2.3.2. *If potential fraud or willful and deliberate misrepresentation is identified after EAP benefits have been issued:***

**2.3.2.1.** If an EAP participant has begun to receive benefits and the CAA receives additional information of potential fraud or willful and deliberate misrepresentation by the participant, the CAA shall contact the participant in writing and request his or her assistance and cooperation in providing supplementary support for or clarification of the information contained in the application. If additional documentation is required, the CAA shall request the information from the participant.

**2.3.2.2.** If the participant responds as requested the CAA EAP Director will determine if the participant should continue receiving benefits or should be terminated from the program.

**2.3.2.3.** If the participant does not respond within 10 business days or does not provide satisfactory information, the local CAA shall notify the CAA EAP Director of the situation in writing. The CAA EAP Director shall then conduct the review process from this point forward. The review process shall take no more than 30 business days.

**2.3.2.4.** The CAA EAP Director shall send a letter to the participant informing the participant that his or her eligibility is in question and that electric assistance benefits may be terminated following a review. The letter shall clearly identify the reason(s) for the review and the potential removal from the program. A copy of the letter shall be saved in the participant's file.

**2.3.2.5.** Unless the utility has information pertinent to the review, the CAA EAP Director shall not disclose the reason(s) why the participant's eligibility is being reviewed.

**2.3.2.6.** The CAA EAP Director shall not remove the participant from the program during this review period until such time as a decision adverse to the participant has been made and either the 14-calendar day appeal period has elapsed or the appeal to the PUC's Consumer Affairs Division has been unsuccessful. The CAA shall not deobligate funds pending the outcome of the review process.

**2.3.2.7.** The CAA EAP Director shall review all information with respect to eligibility and possible fraud or willful and deliberate misrepresentation. The review process may include one or more requests for further information and documentation from the participant.

**2.3.2.8.** The CAA EAP Director, with the approval of the Program Administrator, shall make the final determination as to whether to remove the participant from the program because of sufficient proof of fraud or willful and deliberate misrepresentation. The CAA EAP Director shall notify the participant in writing of any decision and a copy of the letter shall be kept in the participant's file. The written notification shall include notice of the participant's right to request an appeal and notice of the appeal process (see section 2.2, above).

### **2.3.3. Liability**

**2.3.3.1.** The Program Administrator shall make every effort to effect a voluntary restitution of funds (payments) expended on behalf of an ineligible participant.

**2.3.3.2.** The CAAs and Program Administrator shall not be liable for payments made on behalf of the ineligible participant provided that all procedures identified in the current EAP Business Rules were properly followed.

**2.3.3.3.** Once the period to file an appeal has expired with no appeal having been filed or, once an appeal is filed and resolved, the Program Administrator shall refer cases where there is evidence of fraud or willful and deliberate misrepresentation to the PUC, who in turn may refer the situation to the Attorney General's Office or other appropriate prosecutorial body.

**2.3.3.4.** If a utility suspects a participant of committing fraud or making one or more willful and deliberate misrepresentations during the application process for the program or in obtaining service, the utility may appeal the placement of the participant on the program with the PUC's Consumer Affairs Division by following the appeals process procedures outlined in section 2.2, above.

## **3. Termination from the Program**

A participant may be removed from the EAP for any one of the following reasons:

- The participant deliberately and willfully provided false or misleading information (as outlined in section 2.3 above);
- The participant fails to meet program eligibility criteria at the time of re-certification or interim recertification if it is determined that the household no longer qualifies.
- The program has insufficient funds to re-enroll the participant despite the participant's meeting program eligibility criteria at the time of recertification. The participant shall be placed on the Wait List in this case;
- The participant has died;
- The participant fails to re-certify their eligibility; or
- The participant fails to notify the CAA in the event of a move or account number change.

## **4. Program Management**

### **4.1. Outreach**

A full statewide outreach plan is the key to delivering comprehensive services to the low-income population of New Hampshire. The CAA may use various media and social service agencies in order to accomplish the objectives and goals of the outreach plan.

**4.1.1.** Each CAA shall submit to the Program Administrator a detailed plan of all outreach activities to be performed 90 days prior to the start of each program year. The Program Administrator shall provide the NH Office of Energy and Planning (OEP) and the PUC with a copy of these outreach plans for the purpose of program evaluation. OEP shall present a summary of the outreach plans to the EAP Advisory Board annually.

**4.1.1.1.** The outreach plan shall include, but is not limited to:

- Generation of a mailing list of participants who never re-certified for the purpose of disseminating EAP information.
- Use of mass media and related outlets such as television, radio, newspapers and community meetings to publicize the EAP.
- Distribute program information to appropriate community agencies, vendors, and other CAA programs.
- Open outreach sites and conduct home visits when necessary.
- Use of the Internet and agency websites to promote the program.

**4.1.2.** The Program Administrator shall ensure that the individual CAAs employ effective outreach techniques to maximize penetration rates within their region.

**4.1.3.** In addition to the CAAs' outreach efforts, the participating utilities shall also engage in outreach activities, including distribution of basic information about the EAP in periodic bill inserts and on disconnect notices.

### **4.2. Waiting List**

In the event program funds become fully committed, applicants who are certified as eligible to participate in the EAP shall be placed on a waiting list held by each CAA. Individual CAAs shall be responsible for maintaining the waiting list in their region. For purposes of enrolling households from the wait list, all CAA specific Wait Lists shall be combined into a single state-wide wait list, and the lowest FPG households shall be enrolled before higher FPG households.

Applicants who are placed on the waiting list shall be notified of this status in their Authorization letter.

Applicants on a waiting list must be re-certified every 12 or 24 months, as appropriate, in order to maintain their eligibility.

### **4.3. Participant Education and Support**

Counseling and supportive services provided by the CAAs shall be on an as-needed basis to be determined by the CAA worker and/or participant. Supportive services may include information about the other sources of assistance, energy conservation education and budget counseling.

Education information provided to participants shall include low-cost/no-cost energy conservation materials. Many of these materials are available through NH Office of Energy and Planning (see <http://www.nh.gov/oep/index.htm> for a listing).

### **4.4. Procurement**

#### **4.4.1. General Procurement Goals and Objectives**

The Program Administrator shall ensure that all procurement of materials, property or equipment with EAP funds is conducted in a manner to provide open and free competition and to avoid any appearance of impropriety.

4.4.1.1. No CAA employee, officer or agent shall solicit or accept gratuities, favors or anything of monetary value from a contractor or potential contractor.

4.4.1.2. Proposed procurement actions shall follow procedures to assure the avoidance of purchasing unnecessary or duplicative items. Where appropriate, an analysis shall be made of lease and purchase alternatives to determine which would be the most economical and practical procurement.

4.4.1.3. Some form of price or cost analysis shall be made in connection with every procurement action if required by OMB Circular A-122

4.4.1.4. No CAA may use EAP funds for the purchase of land or the purchase, construction or permanent improvement of any building or other facility.

#### **4.4.2. Procurement Approval**

The CAA or Program Administrator shall request and obtain written approval from the PUC for any agency procurement contract, agreement or bid proposal prior to its award when:

- 1) The procurement, at least a portion of which is EAP funded, is expected to exceed \$10,000;
- 2) The proposed procurement is a sole source procurement including when only one bid or proposal is received, in which the aggregated expenditure is expected to exceed \$5,000, at least a portion of which is EAP funded; or
- 3) The CAA or Program Administrator fails to comply with its own procurement procedures and with the OMB Circular A-122.

#### ***4.5. Electronic or Manual Communications***

The EAP software shall normally generate all required regular electronic or manual communications to the utilities and receive all agreed upon transmissions from the utilities automatically without need for user intervention.