

State of New Hampshire
Public Utilities Commission

DRM 10-296

Chapter 1200 Medical Emergency Rules

Follow Up Comments of The Way Home

On January 4, 2011 a Technical Session took place at the Commission to discuss the Commission Staff's proposed new medical emergency rules and proposed changes to the existing Chapter 1200 rules. The Way Home submits the following comments regarding two items discussed at the above Technical Session.

I. Proposal by PSNH to Modify PUC 1205.01, Applicability of Medical Emergency Rules.

PSNH proposed that the shutoff protections of the Medical Emergency rules be limited to customers and household members who face a medical emergency and who also meet the definition of "financial hardship" under PUC 1202.10. The Way Home is opposed to PSNH's proposal for the following reasons:

1. Health and Safety Concerns.

One laudable purpose of a Medical Emergency rule is to promote public safety and health. Medical emergencies, as certified by a licensed medical or mental health provider, are not confined to persons who are low income and who have a "financial hardship" as defined by PUC 1202.10. The Medical Emergency rules protect persons regardless of financial circumstances as long as the customer makes arrangements to pay and attempts to make payment of his/her utility bills. Limiting the protections of the Medical Emergency rules to financial hardship customers may result in unfair treatment and unreasonable exclusion of customers who are experiencing the same or similar medical emergency as the "financial hardship" customer.

2. Not All Low Income Customers Are Financial Hardship Customers.

PUC 1202.10 defines a “financial hardship” customer as a customer or household member who receives assistance under the Electric Assistance Program or any governmental program, such as fuel assistance, food stamps, or subsidized housing. Limiting the protections of the Medical Emergency Rules to “financial hardship” customers will exclude all low income customers who do not participate in a government assistance program.

It is common knowledge that many senior citizens and low income households are not enrolled in any governmental program, such as food stamps, even though they may be financially eligible for such assistance. The Way Home has found that some populations, such as persons with a mental illness, are very reluctant to apply for available benefit programs.

The Way Home believes that it is unfair to exclude a group of customers who face a medical emergency from the protections of the Medical Emergency rules simply because they are not enrolled in a government assistance program.

3. Medical Bill Exception.

PSNH suggests that persons with high medical bills could still be allowed to receive the protections of the Medical Emergency rules even though they do not meet the definition of “financial hardship” under PUC 1202.10. PSNH says that a social services agency could confirm “financial hardship” under these circumstances if the customer is “directly responsible” for medical bills which “make it difficult for them to pay their utility bills.”

While PSNH's suggestion is a laudable one it does not seem workable.

Guidelines would have to be developed for an objective determination of the level of medical bills that would qualify for a "financial hardship" determination. The social service agency or other entity would also have to determine whether the customer directly paid some or all of the medical bills so as to effectively bring the household's income level below a specified dollar threshold which would result in eligibility for protection under the Medical Emergency rules. Such a certification system would require a high level of training and monitoring, and would likely result in administrative costs to the social service agency or entity. It seems unlikely that a social service agency or entity would willingly incur such costs without a mechanism for financial reimbursement. In light of the above, it would appear to be difficult and expensive to implement PSNH's suggestion.

Even if PSNH's suggestion could be made workable, as discussed above it still excludes a significant population from the protections of the Medical Emergency rules if the customer does not meet the definition of "financial hardship" under PUC 1202.10.

II. Disconnection of Service to Medical Emergency Customers.

PUC 1205.03 sets forth a process for the utility to request permission to disconnect service to a "Medical Emergency" customer who refuses to enter into or does not comply with the terms of a payment agreement. Discussion took place at the Technical Session as to what process, if any, should be afforded to the customer to provide input to Commission Staff before a decision is made to approve the proposed service disconnection.

The Way Home offers the following suggestions:

1. The Customer Should Be Notified that the Utility is Requesting Permission to Terminate Service.

Fairness would dictate that the customer be informed that the utility is asking the Commission Staff for approval to terminate service. For example, if the utility's request to the Commission Staff is in writing the utility could send a copy to the customer with an explanation that the customer can contact the Consumer Affairs Bureau within a certain number of days. If the utility's request is verbal, the customer should be notified in writing that the utility made such a request.

2. The Customer Should be Afforded the Opportunity for Input.

The customer should be provided an opportunity to provide input to the decision maker as to why approval for disconnection should not be granted. While a formal conference or hearing may not be required, a PUC staff member should attempt to contact the customer to get the customer's side of the story. In this regard, the Way Home recommends that the Commission Staff send a letter to the customer advising that the customer can expect a call from the Commission and the purpose of the call.

3. The Customer Should be Notified of the Decision of the Commission Staff.

The customer should be notified of the decision of the Commission Staff prior to disconnection of service.

4. The Customer Should be Afforded the Opportunity for Further Review.

The customer should be informed of the opportunity to request an expedited record review by a Commission Hearing Examiner. The opportunity for this additional

layer of review is appropriate because of the dire consequences of disconnect to a customer who has a medical emergency.

The Way Home appreciates the opportunity to submit these follow up comments regarding the draft Medical Emergency Rules.

Respectfully Submitted,

The Way Home
By Its Attorney
New Hampshire Legal Assistance

1/7/11
Date

Alan Linder
Alan Linder
Dan Feltes
117 North State Street
Concord, NH 03301
Phone No. (603) 223-9750
Email: alinder@nhla.org
Email: dfeltes@nhla.org

Certificate of Service

Copies of these Comments have been sent on this date to the parties to this docket.

New Hampshire Legal Assistance

1/7/11
Date

Alan Linder
Attorney for The Way Home