

**UTILITY PAYMENT ASSISTANCE**

2011 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Carl Wimmer**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill amends Title 54, Chapter 7, Hearings, Practice, and Procedure by requiring a gas or electric corporation to obtain customer permission before billing a customer for low-income assistance program funding.

**Highlighted Provisions:**

This bill:

- ▶ requires that a gas or electric corporation obtain a customer's permission before billing the customer for low-income assistance program funding;
- ▶ provides that the customer may change the customer's election at any time; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**54-7-13.6**, as last amended by Laws of Utah 2010, Chapter 324

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **54-7-13.6** is amended to read:



28 **54-7-13.6. Low-income assistance program.**

29 (1) As used in this section, "eligible customer" means an electrical corporation or a gas  
30 corporation customer:

31 (a) that earns no more than:

32 (i) 125% of the federal poverty level; or

33 (ii) another percentage of the federal poverty level as determined by the commission by  
34 order; and

35 (b) whose eligibility is certified by the Utah Department of Community and Culture.

36 (2) A customer's income eligibility for the program described in this section shall be  
37 renewed annually.

38 (3) An eligible customer may not receive assistance at more than one residential  
39 location at any one time.

40 (4) Notwithstanding Section 54-3-8, the commission may approve a low-income  
41 assistance program, within available funds, to provide bill payment assistance to low-income  
42 residential customers of:

43 (a) an electrical corporation with more than 50,000 customers; or

44 (b) a gas corporation with more than 50,000 customers.

45 ~~[(5)(a)(i) Subject to Subsection (5)(a)(ii), low-income assistance program funding~~  
46 ~~from each rate class may be in an amount determined by the commission.]~~

47 ~~[(ii) Low-income assistance program funding described in Subsection (5)(a)(i) may not~~  
48 ~~exceed 0.5% of the rate class's retail revenues.]~~

49 ~~[(b)(i) Low-income assistance program funding for bill payment assistance shall be~~  
50 ~~provided through a surcharge on the monthly bill of each Utah retail customer of the electrical~~  
51 ~~corporation or gas corporation providing the program.]~~

52 ~~[(ii) The surcharge described in Subsection (5)(b)(i) may not be collected from~~  
53 ~~customers currently participating in the low-income assistance program.]~~

54 ~~[(c)(i) Subject to Subsection (5)(c)(ii), the monthly surcharge described in Subsection~~  
55 ~~(5)(b)(i) shall be calculated as an equal percentage of revenues from all rate schedules.]~~

56 ~~[(ii) The monthly surcharge described in Subsection (5)(b)(i) may not exceed \$50 per~~  
57 ~~month for any customer, adjusted periodically as the commission determines appropriate for~~  
58 ~~inflation.]~~

59 (5) (a) Low-income assistance program funding for bill payment assistance shall be  
60 provided through a surcharge on the monthly bill of each Utah retail customer of the electrical  
61 corporation or gas corporation providing the program who consents to the surcharge under  
62 Subsection (5)(b).

63 (b) The surcharge described in Subsection (5)(a) may not be collected from a retail  
64 customer unless the electrical corporation or gas corporation providing the program receives an  
65 authorization from the customer stating:

66 (i) that the customer consents to an additional monthly charge to be used for the benefit  
67 of low-income assistance funding; and

68 (ii) the dollar amount or bill percentage the customer elects to pay.

69 (c) A customer may withdraw the consent to the surcharge described in this Subsection  
70 (5) or change the donated amount or percentage described in Subsection (5)(b)(ii) at any time.

71 (6) (a) ~~[An]~~ Within available funds, an eligible customer shall receive a billing credit  
72 on the monthly electric or gas bill for the customer's residence.

73 (b) The amount of the billing credit described in Subsection (6)(a) shall be determined  
74 by the commission based on:

75 (i) the projected funding of the low-income assistance program;

76 (ii) the projected customer participation in the low-income assistance program; and

77 (iii) other factors that the commission determines relevant.

78 ~~[(c) The monthly billing credit and the monthly surcharge shall be adjusted~~  
79 ~~concurrently with the final order in a general rate increase or decrease case under Section~~  
80 ~~54-7-12 for the electrical corporation or gas corporation providing the program or as~~  
81 ~~determined by the commission.]~~

**Legislative Review Note**  
as of 2-18-11 11:19 AM

**Office of Legislative Research and General Counsel**

# FISCAL NOTE

H.B. 332

SHORT TITLE: **Utility Payment Assistance**

SPONSOR: **Wimmer, C.**

2011 GENERAL SESSION, STATE OF UTAH

## STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enacting this bill may affect low-income assistance program collections by the Public Service Commission. The program collected \$2,127,500 in FY 2010.

## LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enacting this bill likely will not result in direct, measurable costs for local governments.

## DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enacting this bill may affect participants in the low-income assistance program.