

November 12, 2024

Office of Information and Regulatory Affairs
Office of Management and Budget
725 17th Street, NW
Washington, DC 20503

Submitted electronically at www.reginfo.gov/public/do/PRAMain

Re: EIA Information Collection Request (ICR) for New “Residential Utility Disconnections Survey”

To Whom It May Concern:

The National Rural Electric Cooperative Association (NRECA) appreciates this opportunity to comment on the U.S. Energy Information Administration (EIA) Notice and Request for Comment on its proposed new Residential Utility Disconnections Survey, designated EIA-112, which EIA submitted to the Office of Information and Regulatory Affairs (OIRA) for review under the Paperwork Reduction Act (PRA) on October 15, 2024 (ICR Reference No. 202410-1905-001).

NRECA is the national trade association representing nearly 900 local electric cooperatives and other rural electric utilities. America’s electric cooperatives are owned by the people that they serve and comprise a unique sector of the electric industry. From growing regions to remote farming communities, electric cooperatives power 1 in 8 Americans and serve as engines of economic development for 42 million Americans across 56 percent of the nation’s landscape.

As member-owned, not-for-profit electric cooperatives, our members clearly understand and take seriously their responsibility to provide affordable, reliable, and safe electricity to all Americans situated within their service territories. Cooperatives dedicate significant time and resources to ensuring their consumer-members who need energy assistance can access programs, both internal and external, that can help make energy more affordable. Our members undertake serious efforts through various programs and policies to avoid disconnecting any of their consumer-members.

In August, NRECA filed a comment letter jointly with the American Public Power Association and the American Public Gas Association expressing our concerns to EIA on this proposed survey in response to their first Federal Register Notice but our concerns were not addressed.¹ We are now writing to emphasize one particular concern. Specifically, we believe that EIA is improperly seeking to publish utility-level data collected on their proposed survey when it would be more appropriate to aggregate or “mask” the data to withhold identifiable company-level data from being extrapolated by the public.

¹ 89 Fed. Reg. 51882 (June 20, 2024).

Publishing data less granularly at the state level, for example, would be more consistent with the stated purpose of the survey to inform assistance need and support policy decisions on funding for LIHEAP.

Electric Cooperatives Are Committed to Providing Energy Assistance

America’s electric cooperatives are obligated, in accordance with applicable state law and regulatory requirements, to provide uninterrupted, safe and affordable service for human needs such as home heating and cooling and hot water. Central to this obligation is providing low income consumer-members with as many options as possible to help them pay their bills. This is an issue that cooperatives understand all too well. In 2023, the average (mean) household income for electric cooperative consumers was 12% below the national average. That is unsurprising, given that electric cooperatives serve 92% of persistent poverty counties in the United States. Since electric cooperatives serve areas with low population density, costs are borne across a base of fewer consumers and by families that spend more of their limited resources on electricity than do comparable municipal-owned or investor-owned utility customers.

Electric cooperatives have dedicated significant resources to supporting their consumer-members and offer a variety of flexible billing and payment support programs including, but not limited to:

- *Service Curtailment Moratoria:* Curtailing service disconnections on low income and other vulnerable consumer-members for the duration of the winter heating or summer cooling season.
- *Flexible Billing, Payment Plans:* Offering low income consumer-members a variety of billing adjustment programs, such as forgiving a portion of preexisting unpaid bills, bill assistance (percentage discounts, set dollar amounts, or percentage of income payment plans, etc.); allowing bill balances to be paid over a longer period of time; and allowing eligible consumer-members the option to choose their billing date in order to help with their overall monthly budget.
- *Increased Fuel Fund Support:* Operating, partnering on, or contributing to “fuel funds,” independent low income home energy assistance programs that provide financial support to those experiencing energy poverty that supplement federal programs like LIHEAP and related state and local government assistance.
- *Enhanced Community Outreach:* Targeted advertising, online, television, radio, social media, print, direct-mail, text, email, and community outreach (food banks, churches, clinics, etc.) to low income consumer-members promoting cooperative assistance programs, local fuel fund and charitable services, and LIHEAP sign up support.
- *Low Income Self-Sufficiency Plans:* Allows eligible households to keep up with energy bills via fixed payment plans. This allows consumer-members to learn budgeting, bill payment and energy efficiency skills.
- *Weatherization and Home Assistance:* Cooperatives, either on their own or in partnership with local organizations, distribute smart thermostats, perform home weatherization inspections aimed at improving home efficiency and, for eligible homes, make appropriate building envelop repairs

and replace old and inefficient heating equipment which saves in recurring energy use costs on utility bills.

Disconnecting consumer-members is always the cooperatives’ last resort for dealing with unpaid bills. Rigorous processes, determined by state and local regulations as well as board policies, are in place to provide members with advance notice of potential service disconnection and to educate them on the variety of resources (as described above) to avoid a disconnection.

Furthermore, numerous regulatory bodies across the nation have established and enforce billing rules that provide utility customers’ extensive protections from shut-offs in certain scenarios. According to the LIHEAP Clearinghouse, 40 states and the District of Columbia have cold weather protections, 21 states and the District of Columbia have hot weather protections, 2 states have extreme weather protections, and 38 states and the District of Columbia have vulnerable population protections.² An example of vulnerable populations includes customers who have medical conditions that require around the clock power to critical care equipment. Again, disconnects are a last resort after all other options are exercised.

Utility-Level Data Will Not Accomplish EIA’s Stated Purpose of Informing LIHEAP Funding

In the proposed EIA-112 survey, EIA seeks to collect final notices, disconnections, and reconnections for bill nonpayment across residential customers. In the Supporting Statement EIA submitted to OIRA together with its proposed survey, EIA explains that the new data would be used to “help inform appropriate levels of budgetary support for various assistance programs across the United States.”³ In particular, EIA states that EIA-112 “aims to better inform policymakers with authority over the Low-Income Home Energy Assistance Program (LIHEAP)...Data from the new survey will aid in setting appropriate levels of budgetary support for LIHEAP by providing reliable metrics on the frequency of utility disconnections among energy sources and between states.”⁴ We are concerned that the publication of utility-level data will not only lead to inaccurate conclusions about energy assistance need but also is not necessary to inform LIHEAP funding decisions.

LIHEAP is a federal block grant program administered by the Department of Health and Human Services (HHS) that provides funds to states to assist low-income households, particularly those with the lowest incomes, and particularly those that pay a high proportion of household income for home energy.⁵ LIHEAP is the single largest source of energy assistance funding provided by the federal government to households for their electric and gas utility bills.

NRECA and utility support of LIHEAP is multifaceted and significant. Utility partnerships with local community action agencies, low-income advocates, charities, and faith-based organizations, as well as state and local government low income, energy assistance, and affordable housing offices on energy assistance outreach programs designed to drive those in energy poverty to related financial assistance programs. Many of these partnerships span decades and utilities are committed to helping every

² U.S. Department of Health and Human Services, Administration for Children and Families. LIHEAP Clearinghouse, [Disconnect Policies](#) (July 2024).

³ “Supporting Statement for Residential Utility Disconnection Survey, Part A” EIA, October 2024.

⁴ Ibid.

⁵ 42 USC section 8621(a).

customer manage through challenging times. NRECA has a long history of advocating for Congress to sufficiently fund LIHEAP.

That being said, LIHEAP funds are set annually through the appropriations process and allocated to states based a mechanism found within the authorizing statute.⁶ Having utility-level data would not help inform allocations to states since it is the state-level need that is relevant. Publishing data at the state level, for example, would be more consistent with the stated purpose of the survey to inform assistance need and support policy decisions on funding for LIHEAP.

Survey Data Will be Difficult to Interpret and Present Inaccurate Picture of Energy Assistance Need

The experience of our members highlights that EIA (and others seeking to utilize the data such as policymakers or the public) would face significant challenges in interpreting and analyzing utility-level data to make reasonable determinations regarding assistance need. Additional data would be required for needed context. Such additional data would need to be used in conjunction with the data collected as part of this proposed survey before sound conclusions about assistance could be drawn as it pertains to utility final notices, disconnections and reconnections for bill nonpayment. However, these additional data elements would represent an unreasonable increase to respondent burden. EIA acknowledged this in the email they sent in response to our aforementioned comment letter in this docket. Specifically, EIA stated that “[t]he burden on respondents would increase significantly if we had adjusted Form EIA-112 to include additional detailed questions on: Moratoria, Population demographics, Delays in delivery of final notices, Advance outreach to customers ahead of disconnection, The primary purpose of residences, [and] Other concerns brought up in the comments.”⁷

Simply put, there are a variety of non-utility and non-consumer variables that impact the on-time nature of bill payments and therefore the necessary data points for policymakers to potentially assess assistance need that EIA should thoughtfully consider as it determines the purpose and need of this survey. In our members’ experience, final notices before a disconnection do not necessarily mean a consumer needs assistance. For example, America’s electric cooperatives highlight the following examples of non-utility and non-consumer variables that impact bill payments:

- There has been a notable uptick in recent months of U.S. Postal Service (USPS) delivery streams being interrupted, leading to delays in cooperatives receiving bill payments from consumers and in some cases consumers are receiving their “final notices” before their original monthly bills arrive in their mail boxes. This trend has increased recently but historically has been observed annually during the heightened holiday shopping season in November and December when mail delivery systems are inundated. These occurrences are outside the utilities’ control, though they work diligently with USPS and their business vendors to investigate and correct these issues as quickly as possible. Unfortunately, we expect this situation to worsen under the latest USPS proposal to end evening mail service as post offices more than 50 miles from their designated regional processing centers, which will disproportionately impact our membership.⁸

⁶ Congressional Research Service, The LIHEAP Formula, (RL33275) (May 2, 2019) at 2.

⁷ Email from Mark Harnish of EIA to Patricia Taylor of American Public Power Association, September 10, 2024.

⁸ See U.S. Postal Regulatory Commission Docket N-2024-1.

- Some cooperatives serve territories with disproportionately high segments of transitory populations, which could include college campuses, military installations, and other facilities that yield high account turnovers. Disconnections and then subsequent reconnections of these accounts do not in and of themselves reflect assistance need.
- Similarly, some cooperatives may serve areas with a high percentage of vacation homes or residences only used on a seasonal basis. Our members’ experience reflects that at the end of a season some of these consumers choose to simply let their accounts be disconnected rather than informing the cooperative ahead of time that they will not be utilizing service for a period of time. In these cases, disconnections (followed by reconnections the next season) do not reflect assistance need.

As these examples illustrate, there are a variety of factors that contribute to the reasons that consumers receive final notices, disconnections and reconnections and several of these are not related to financial need.

On the other hand, states and utilities including cooperatives have a variety of seasonal disconnect policies, including moratoria during certain seasons for disconnections and protections for consumers with specific medical needs, and these policies can mask the growing needs for assistance. This example illustrates the complexity of using the data as EIA proposes to inform assistance need.

We pointed out these concerns in our aforementioned comment letter, but EIA did not address them in their response. Instead, they pointed out that “none of this data has been deemed to be confidential or subject to disclosure review.” We believe that confidentiality should not be the sole determinate of whether data are released. OIRA’s own regulations for implementing the PRA acknowledge this by requiring that collected information “have practical utility.”⁹ We believe that publishing utility-level data collected from Form 112 would not have practical utility and could actually have detrimental impacts by resulting in policy that is not supported by appropriate evidence.

Conclusion

In summary, we urge OIRA to require EIA to either aggregate the collected utility-level data at a higher level (e.g. at the state level) or appropriately “mask” the data before approving the ICR under the PRA. Publishing at the state level would be the most consistent with supporting the existing LIHEAP funding allocation process that is done on a state by state basis. EIA has extensive experience aggregating data to protect the confidentiality of certain data elements collected on numerous different forms – so it would not result in a substantive burden on agency staff. Maintaining the integrity of an information collection – and the policy conclusions that could likely be drawn from them – should be a top priority for EIA and OIRA.

⁹ 5 C.F.R. 1320.8, “Controlling Paperwork Burdens on the Public.”

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We appreciate your thoughtful consideration of our comments. Please contact me at 703-907-5732 if you have any questions.

Sincerely,

Stephanie Crawford

Stephanie Crawford
Regulatory Affairs Director
National Rural Electric Cooperative Association