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BEFORE THE PUBLIC UTILITY COMMISSION

OF OREGON

UM 1121

In the Matter of

OREGON ELECTRIC UTILITY
COMPANY, LLC, et. al.

Application for Authorization to Acquire
Portland General Electric Company

DIRECT TESTIMONY OF
RICHARD MATHEWS ON
BEHALF OF INTERVENOR
OREGON HOUSING AND
COMMUNITY SERVICES
DEPARTMENT (OHCS)

Q. PLEASE STATE YOUR NAME, BUSINESS ADDRESS AND OCCUPATION.

A. My name is Richard L. Mathews. My business address is Oregon Housing & Community Services Department, 725 Summer St. NE, Suite D, Salem, Oregon 97301. I am employed by the Oregon Housing and Community Services Department (OHCS) as the Assistant Manager, Services Outreach Section, Community Resources Division.

Q. PLEASE DESCRIBE YOUR EDUCATION AND EXPERIENCE.

A. I have a Bachelor of Science Degree in Business Administration from the University of South Dakota and a Master of Science Degree in Economics from Wichita State University. I also have recent training, *inter alia*, from the National Community Action Management Academy.

1 I have 29 years of work experience in a variety of public and private enterprises, largely
2 in management and program development. I currently manage the Energy Unit Team at
3 OHCS which directly administers the Low Income Energy Assistance Program (LIEAP),
4 the Oregon Energy Assistance Program (OEAP), and the Oregon Weatherization
5 Program. For the past one and one-half years, I have been working with a task force of
6 utilities and Community Action Agency partners, i.e., the Energy Efficiency and
7 Consumer Competency Task Force (E2C2), to develop an improved model of delivering
8 energy assistance services within the state. This model provides for extensive energy
9 education, self-sufficiency case management with access to needed services, and an
10 expanded portfolio of energy payment options to better match client needs.

11
12 **Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?**

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14 A. I am here on behalf of OHCS to present perspective on and clarification concerning the
15 funding and delivery of energy assistance as it relates to conditions for the approval of
16 the present application to acquire Portland General Electric Company (PGE) by Oregon
17 Electric Utility Company, LLC (OEUC). Generally, OHCS concurs with and supports
18 the testimony on this subject submitted on behalf of the Community Action Directors of
19 Oregon and the Oregon Energy Coordinators Association (CADO-OECA) and on behalf
20 of Multnomah County.

21
22 The conditions that OHCS supports include the following:

23 (1) A commitment from PGE/OEUC to permanently continue the public purpose
24 charges and allocations established in ORS 757.612 (2) and (3) respectively, and to
25 continue the additional charge and allocation to OHCS for low-income electric bill
26

1 payment assistance established in ORS 757.612 (7) - thereby indefinitely extending the
2 ten-year funding period described in the statute.

3 (2) A commitment from PGE/OEUC to index the funding described in
4 subparagraph (1) for inflation and for the growth in the number of retail customers, and to
5 adjust yearly charges and allocations accordingly.

6 (3) A commitment from PGE/OEUC to support legislation approved by CADO-
7 OECA to make permanent the statutory charges and allocations described in
8 subparagraph (1) as indexed and adjusted in subparagraph (2).

9 (4) A calculation of “public benefit” by the PUC that uses existing funding of
10 low-income energy assistance as a baseline and requires that PGE/OEUC, at the very
11 least, match the statutory funding for this purpose described in subparagraphs (1) and (2)
12 above with yearly payments from investor funds beginning at an amount not less than
13 \$11 million (the approximate value of the present statutory funding).

14 (5) A commitment from PGE/OEUC that the PGE board of directors will hold
15 regular collaborative meetings, not less than semi-annually, with designated
16 representatives of CADO-OECA and OHCS.

17 (6) A commitment from PGE/OEUC that PGE, through the meetings described in
18 subparagraph (5) and otherwise, will collaborate with CADO-OECA and OHCS to
19 explore and develop innovative programs to further alleviate the lack of energy
20 affordability, such as through a targeted rate reduction plan, an energy debt forgiveness
21 plan, and added safeguards against the termination of energy services.

22
23 The fundamental clarifications OHCS offers by way of this testimony are that:

24 (1) the energy assistance public funding administered by OHCS through the
25 OEAP and LIEAP programs is not available for use in subsidizing the rate reduction plan
26

1 proposed in the testimony on behalf of Multnomah County; and (2) Multnomah
2 County is not authorized to commit such funds for a rate reduction plan.

3
4 OHCS will continue to administer these public funds consistently with applicable legal
5 standards and in keeping with feasible improvements identified in conjunction with E2C2
6 and others. These improvements, as previously mentioned, are directed at providing
7 extensive energy education, self-sufficiency case management with access to needed
8 services, and an expanded portfolio of energy payment options to better match client
9 needs. OHCS requests that any match from investor funds identified in subparagraph (4)
10 be applied similarly through OHCS and its Community Action Agency partners.

11 **Q. DESCRIBE THE ROLE OF OHCS IN THE ADMINISTRATION OF THE LIEAP**
12 **AND OEAP PROGRAMS.**

13
14 A. OHCS is the state agency responsible for the administration of low-income energy
15 assistance programs statewide. ORS 458.505. This role is consistent with OHCS's
16 broader mandate in ORS 456.559 (1) (f) to:

17 [b]e the central state department to apply for, receive and distribute, on
18 behalf of appropriate state agencies, governmental bodies and public or
19 private housing sponsors in the state, grants gifts, contributions, loans,
20 credits or assistance from the federal government or any other source for
21 housing programs except when the donor, grantor, or lender of such funds
22 specifically directs some other agency to administer them.

23
24 The legislature has directed that OHCS use the Community Action Agency network
25 initially established under the Economic Opportunity Act of 1964 in delivering low-
26 income energy assistance. ORS 458.505 (1), (2). This requirement applies both to the

1 LIEAP program and to the OEAP program, among others. By using this network, low-
2 income energy assistance can be married with other appropriate services so as to increase
3 the likelihood that the benefits will have long term effect.

4
5 Community Action Agencies must satisfy the federal standards established in the
6 Community Services Block Grant Act to qualify as sub-grantee of low-income energy
7 assistance funds from OHCS. 42 U.S.C.673.9902 (1). They also must satisfy the
8 additional requirements set forth in ORS 458.505. In areas not served by a Community
9 Action Agency, available energy assistance funds, not otherwise restricted, may be
10 distributed by OHCS to organizations that, in the determination of OHCS, will serve the
11 antipoverty purposes of the Community Action Agency network. ORS 458.505 (3).

12
13 Each of the Community Action Agencies within PGE's distribution area is a member of
14 CADO. CADO has joined with OECA as an intervenor in this matter. Multnomah
15 County is a member of CADO, although it has also chosen to intervene separately.
16 Multnomah County's Office of School and Community Partnerships is a sub-grantee of
17 OHCS and receives both LIEAP and OEAP funds for distribution to low-income clients.

18
19 **Q. ARE THERE STANDARDS CONTROLLING HOW LIEAP AND OEAP FUNDS
ARE EMPLOYED BY COMMUNITY ACTION AGENCIES?**

20
21 A. Yes. Oregon's use of LIEAP funds is restricted by standards established by the Omnibus
22 Budget Reconciliation Act of 1982 (Public Law 97-35, Title XXVI, (Low-Income Home
23 Energy Assistance Act of 1981), Sections 2601-2610 of the Act, as amended by Title VI
24 of the Human Services Reauthorization Act of 1984, Public Law 98-558; 45 Code of
25 Federal Regulations, Part 96; Title V of the Human Services Reauthorization Act of 1990
26 (Public Law 101-501); 45 Code of Federal Regulations, Part 96; FSA IM-91-3, and by

1 Oregon Administrative Rules, Chapter 813, Division 200. In accordance with these laws
2 and regulations, the U.S. Department of Health and Human Services (HHS) requires
3 OHCS, as the state's designated recipient, to execute a legally binding agreement (the
4 LIEAP STATE PLAN) in which 16 specific "Assurances" for the LIEAP program are
5 identified.

6
7 Among many other standards, including the Assurances identified in the LIEAP STATE
8 PLAN, LIEAP funds are required to be used so as to:

- 9 (1) address the needs of households which have the lowest incomes and the highest
10 energy costs or needs in relation to income, taking into account family size;
11 (2) address the needs of households in crisis;
12 (3) address the heating needs of households; and
13 (4) accomplish outreach to elderly and disabled households with high home energy
14 burdens.

15
16 Each of these standards are best and, perhaps, only realized by Community Action
17 Agency network where individual client needs can be evaluated and prioritized in a
18 manner that allows them also to be combined with other appropriate services. With each
19 renewal of the LIEAP STATE PLAN, the Governor is required to certify to HHS that the
20 state (through OHCS) will adhere to each of the 16 Assurances and other applicable
21 standards.

22
23 OEAP funds are subject to standards contained in ORS chapters 458 and 757, and in
24 OAR chapter 813, division 202. ORS 757.612 (7) (d), for example, directs that OHCS,
25 "in consultation with the federal Advisory Committee on Energy, shall determine the
26 manner in which funds collected under this subsection will be allocated by the

1 department to energy assistance program providers for the purpose of providing low-
 2 income bill payment and crisis assistance, including programs that effectively reduce
 3 service disconnections and related costs to retail electricity consumers and electric
 4 utilities. Priority assistance shall be directed to low-income electricity consumers who are
 5 in danger of having their electricity service disconnected.”

6
 7 The OEAP directives, to prioritize and address the needs of individual low-income
 8 energy consumers, are similar in substance to those in the LIEAP program. And, as with
 9 LIEAP funding standards, OEAP funding standards and guidance from OHCS are
 10 established with the advice of CADO. ORS 458.505 (2). They also are being formulated
 11 in consideration of E2C2 proposals and developments. Accordingly, OEAP program
 12 standards and protocols, as implemented by OHCS, are quite similar to those in the
 13 LIEAP program. *Cf.* OAR Chapter 813, Division 200. For reasons similar to the LIEAP
 14 program, OEAP program funds can not appropriately be employed in subsidizing
 15 Multnomah County’s proposed rate reduction plan. Even if subsidization of a rate
 16 reduction plan were consistent with applicable standards, use of LIEAP and OEAP funds
 17 for such purposes would require the permission of OHCS. Multnomah County has no
 18 such permission.

19
 20 **Q. HOW DOES OHCS COMMIT COMMUNITY ACTION AGENCIES TO**
 21 **ADHERE TO APPLICABLE STANDARDS IN THE USE OF ENERGY**
ASSISTANCE FUNDING?

22 A. OHCS requires each sub-grantee, i.e., community action agency, to contractually commit
 23 to applicable standards in the use of energy assistance funding. All low-income energy
 24 assistance sub-grantees execute similar provisions of the Community Resources Division
 25 Master Grant Agreement (MGA). The terms of the MGA specify how sub-grantee
 26 program components and procedures must comply with federal and state laws,

1 regulations and directives previously discussed. OHCS monitors each sub-grantee for
2 compliance with the MGA. The terms of the MGA applicable to Multnomah County do
3 not permit the use of LIEAP and OEAP funds for a rate reduction plan. Multnomah
4 County is bound by the terms of this binding contract.

5 **Q. WOULD MULTNOMAH COUNTY'S PROPOSED USE OF LIEAP AND OEAP**
6 **FUNDING TO FINANCE ITS PROPOSED RATE DISCOUNT PROGRAM**
7 **VIOLATE APPLICABLE STANDARDS FOR THE USE OF SUCH FUNDS?**

8 A. Yes. Multnomah County's proposed rate discount program would violate a number of
9 the standards in the LIEAP STATE PLAN, and correspondingly, the OEAP program. As
10 noted previously, commitment of this low-income energy assistance to a rate reduction
11 plan would be inconsistent with at least the requirements that such funding be used in a
12 way that:

13 (1) addresses the needs of households which have the lowest incomes and the
14 highest energy costs or needs in relation to income, taking into account family size;

15 (2) addresses the needs of households in crisis;

16 (3) addresses the heating needs of households; and

17 (4) conducts outreach to elderly and disabled households with high home energy
18 burdens.

19 The use of such funding in a general rate reduction plan also would be contrary the best
20 thinking on the delivery of services developed in conjunction with CADO and E2C2.

21 While these energy assistance funds are inappropriate for a rate reduction plan, OHCS
22 remains open to exploring the appropriateness of funding some form of a targeted rate
23 reduction plan with other funds. For this purpose, OHCS has requested that one
24 condition of any approved sale be that PGE's board of directors commit to work with
25 OHCS and CADO-OECA on the development of innovative programs that may include
26 such a targeted rate reduction plan.

1
2 **Q. DO YOU CONCUR WITH CADDO-OECA AND MULTNOMAH COUNTY**
3 **REGARDING THE NEED FOR INCREASED LOW-INCOME ENERGY**
4 **ASSISTANCE?**

5 A. Absolutely yes. Based upon information and research that I review in the course of my
6 work responsibilities, it appears that low-income households' energy costs can represent
7 a significantly higher proportion of household expenses than middle- and higher-income
8 households can. As a result, low-income households often have problems with late or
9 missed payments, arrearages or debt, and possible disconnection of utility services.
10 Consequences of even short periods of service disconnection include failing health of
11 seniors, depressed performance of children in school, and deterioration of housing stock.
12 More severe consequences include loss of eligibility for other support programs (i.e.,
13 eviction from subsidized housing), homelessness, and death.

14 According to a recent study on home energy affordability, Oregon households with
15 incomes at or below 50% of the federal poverty level pay 36% or more of their annual
16 income on their energy bills. For households between 50% and 100% of poverty, the
17 energy burden is 12%, twice that of a non low-income household.

18
19 The incomes of many low-income Oregonians fall far below the poverty guideline.
20 According to the same recent study, more than 70,000 Oregon households live at or
21 below 50% of federal poverty. An additional 90,000 have incomes between 50% and
22 99%. Eleven and six tenths percent of the state's entire population lives below the
23 poverty guideline.

24
25 Using 2000 census data to estimate unmet need, approximately 348,000 households are
26 eligible for energy assistance in Oregon. Of those, less than 22% receive any energy

1 assistance at all. In total, 76,262 households received assistance through these programs
 2 in 2004. Many of the households that receive energy assistance return annually for
 3 additional help in succeeding years. The limited funds available for energy assistance
 4 perpetually fall short of the need. The following table illustrates the revenue streams for
 5 energy assistance in Oregon.

6 **Energy Assistance Programs in Oregon PY2004 (as of 9-21-04)**

7 Program	Source of Funds	Households Served as of 9-21-04	Statewide Allocations to OHCS Subgrantees	PGE Service Area Allocation to OHCS Subgrantees	Percent of Funding to PGE
8 LIEAP	Federal	53,949	\$18,117,348	\$6,887,261	38%
9 OEAP	State	22,313	\$10,105,345	\$5,966,167	59%
10 Total		76,262	\$28,222,693	\$12,853,428	46%

11
 12 With the increase in demand for energy assistance and static funding sources, it is
 13 imperative that all partners in energy assistance delivery develop more cost effective and
 14 efficient delivery methods. At the same time, we must better address the needs of energy
 15 assistance clients if we are to break the cycle of long term dependence on bill paying
 16 assistance. Both the supply (stretching available funding) and the demand (moving
 17 clients out of the dependency cycle) must be addressed. The demand for energy
 18 assistance exceeds all available resources every year. Therefore, it is vitally important
 19 that Oregon uses existing and new funding in ways that effect lasting change.

20
 21 Meeting the needs of an ever-growing population of low-income Oregonians with static
 22 or decreasing resources is a tremendous challenge. However, one thing is clear - each
 23 client's need is unique and requires a unique set of services and payment options to meet

24 ///

25 ///

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1 their needs. No one payment option or set of supportive services can meet the immediate
2 and long-term energy self-sufficiency needs of an individual seeking energy assistance.

3
4 DATED this _____ day of September 2004.

5 Respectfully submitted,

6 HARDY MYERS
7 Attorney General

8
9

D. Kevin Carlson, #80189
10 Assistant Attorney General
11 Of Attorneys for Oregon Housing and
12 Community Services,
13 State of Oregon, Defendant

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CERTIFICATE OF SERVICE

I hereby certify that on the ____ day of September 2004, I served the within
DIRECT TESTIMONY OF RICHARD MATHEWS ON BEHALF OF
INTERVENOR, OREGON HOUSING AND COMMUNITY SERVICES
DEPARTMENT (OHCS) upon known parties to this litigation, by depositing in the
United States Post Office at Salem, Oregon, a full, true and correct copy thereof , postage
prepaid, and addressed to:

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