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December 8, 2023

Ontario Energy Board
2300 Yonge Street
27th Floor
Toronto, ON M4P 1E4

Attention: Nancy Marconi, Acting Registrar

Dear Ms. Marconi:

**Re: Board File No. EB-2023-0135 - Low-Income Energy Assistance Program Emergency
Financial Assistance Review
LIEN's Submission**

Please find enclosed the Low-Income Energy Network ("LIEN")'s submission regarding the Low-Income Energy Assistance Program Emergency Financial Assistance Review.

Yours truly,



Matt Gardner
Partner
*Certified as a Specialist in Environmental
by the Law Society of Ontario*

cc: LIEN Legal Subcommittee
Judy Simon

Encl.

1379-9437-6969, v. 2

LIEN Submission
Low-Income Energy Assistance Program Emergency Financial
Assistance Review
OEB File No. EB-2023-0135

The Low-Income Energy Network (LIEN) has prepared this submission in response to an invitation by the OEB to interested parties to submit written comments on the OEB Staff Report, Low Income Energy Assistance Program Emergency Financial Assistance (LEAP EFA) Program Review (Report).

LIEN looks forward to working cooperatively with the OEB and all the interested and affected parties on these matters, and other issues that may arise, in the best interests of low-income consumers.

Below, we present our comments on the LEAP EFA Report in the same order as the recommendations are presented in that Report.

Income Eligibility Threshold

LIEN is of the view that the current income eligibility thresholds are too low. Rising inflation and the high cost of living has made energy affordability more challenging. People who do not meet the current income thresholds are falling through the cracks. As the LEAP EFA Report points out, these thresholds were last revised in 2016, were based on Canada's 2011 Low-Income Measure (LIM) and were aligned with the Ontario Electricity Support Program (OESP) at that time. LIEN recommends:

1. Raising the eligibility thresholds and align them with the upcoming increases to the OESP thresholds to be effective March 1, 2024.

LIEN concurs with this Report recommendation.

2. Developing and implementing a mechanism to regularly review and update LEAP income eligibility thresholds based on updates to Canada's LIM, when any changes are considered for the OESP thresholds, and other market changes, as appropriate.

Rather than review the income eligibility thresholds only at the time of review of LEAP, LIEN recommends that the OEB initiate and carry out a review, in consultation with FAWG, on adjusting the eligibility thresholds, at minimum, to keep pace with Canada's most recent LIM.

3. Investigating and implementing, in consultation with FAWG, an expansion of income eligibility criteria which are adjusted based on different standards of living in different geographies across Ontario.

Taking differing standards of living based on geography into account is routine in the corporate world for setting salary ranges. As a result, it should be possible and practical to apply adjustment factors to the LIM to take account of regional disparity.

4. Investigating, in consultation with FAWG, and reporting on feasibility and resulting potential eligibility criteria which address life events within the last 12 months that caused a financial crisis to the applicant, leading to likely impending inability to pay electricity or gas bill.

Grant Amounts

LIEN concurs with OEB staff that it is time to adjust grant amounts but disagrees that the adjustment should be based only on inflation. Raising the grant amounts to \$650 (basic grant) from \$500 and from \$600 to \$780 (heating with electricity), is not sufficient, given these families will still have to choose between eating or heating. The initial amounts of \$500 and \$600 were too low a starting point. Further, an inflation adjustment, which is an imperfect measure and does not take account of geographical or household differences, will not adequately address that. Instead, LIEN recommends:

5. Making permanent its previous temporary expansion of the LEAP-EFA program to allow families to seek assistance more than once per year, to be eligible when in arrears, and to receive up to \$1000 for basic grant and \$1200 for heating with electricity.

The OEB should also assess within one year and every two years thereafter whether the available amount of assistance per family is sufficient to cover the energy costs of low-income people living in rural and Northern Ontario.

6. Ensuring all LEAP grantees are educated on OESP and are assisted with enrollment, as needed.

This will provide further and ongoing financial assistance to these low-income households.

7. Permitting LEAP applicants to apply more than once per calendar year if the applicant has not used up the maximum LEAP amount.

This will help to address applicants' needs who continue to be in dire financial straits despite earlier assistance.

Funding

The Low-income Emergency Assistance Program has been chronically underfunded and often runs out of funds before the end of the year in different areas of the province.

From 2016-2019, 19 distributors always ran out of funds and 7 of these ran out by June 30th. This situation should no longer be tolerated by the OEB. LIEN recommends:

8. OEB should ensure that all applicants meeting all the LEAP eligibility criteria have the requisite funds available from LEAP. No eligible applicant should be denied due to lack of funding.

While LIEN agrees with the Report recommendation that distributors should make this funding available, the Report does not describe how the OEB would enforce this recommendation. Instead, the Report refers to continued tracking of the issue. This is not a sufficient response. Incentives and/or scorecard requirements should be considered, among other options, and appropriate ones put in place, to ensure there is adequate funding available from each distributor.

Sustainability

Based on feedback LIEN has received from its social service agency members organizations, the sustainability requirement is preventing a high number of applicants from qualifying. To lessen this burden, the agency representative should have the discretion to determine whether the applicant will be able to pay their energy bills in the future. LIEN recommends:

9. Providing flexibility to agencies to decide on a written basis for determining sustainability (e.g., letter from MPP, attestation from a legal aid clinic, letter from a landlord).

Program Awareness

LIEN supports increased proactive communication regarding the LEAP EFA. Communications should include education and outreach through materials, OEB webpage and other forms of effective communications. LIEN recommends:

10. Distribution and USMPs should undertake regular communication to consumers about LEAP EFA and can work with FAWG and OEB staff on suitable approaches.

LIEN concurs with this Report recommendation.

11. OEB should create and implement a long-term outreach strategy to inform low-income people about all available energy poverty programs in Ontario.

The strategy should be developed and updated on a regular basis in consultation with FAWG.

This will help to serve low-income people more effectively, facilitating the provision of complementary low-income services and provide valuable data for offering more effective services to them.

12. OEB should provide education materials which can be downloaded and printed and distributed by trusted local organizations.

The educational materials could be generic as well as provide for specific geographic differences.

13. FAWG application should include an option to enable low-income people to opt-in to provide their information with other energy poverty service providers to simplify the application process.

This will better serve low-income people by helping to offer additional services for the applicant.

14. Create a “Question & Answer” section in the LEAP Manual to address different scenarios that LEAP workers may face.

This will improve training and resources available for LEAP workers.

Program Performance Metrics

LIEN supports the continued tracking of existing metrics. LIEN also recommends:

15. While OEB is taking steps to determine enforcement regarding how to ensure no eligible LEAP EFA application is denied due to lack of funding, LIEN supports that this is measured and reported on by distributors, after 2 years.

LIEN strongly encourages the OEB to resolve enforcement issues earlier than 2 years.

16. The metric, all LEAP EFA applications are processed within 21 days, should be tracked and reported after 2 years.