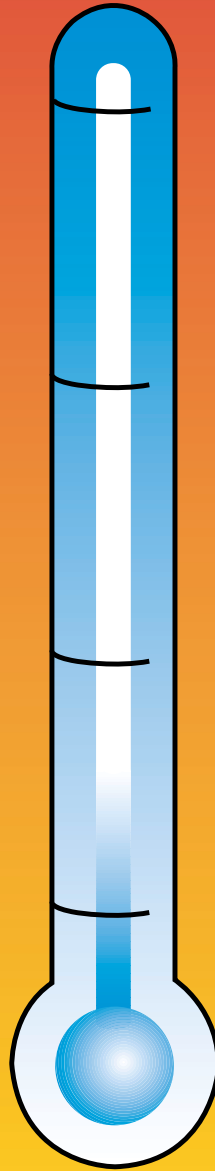


Keep the Heat On

Idaho Utility
Regulations
Threaten the
Health and
Safety of
Idaho Families



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Executive summary

Economic conditions in Idaho are squeezing low-income families from every direction. Unemployment continues to rise and many of Idaho's families live in poverty. The rates of personal bankruptcy and lack of health insurance are also increasing. Skyrocketing energy costs are an unbearable burden when added to these economic realities. Energy consumers who turn to the state for help find that the Low-Income Heating Energy Assistance Program (LIHEAP) budget is woefully inadequate, and that consumer protections for low-income consumers are not strong enough.

Idaho can protect low-income consumers from this collision of economic crisis and rising energy costs through a number of actions. The Legislature can create new programs, such as universal system benefits programs, that provide greater energy assistance support to low-income consumers. The Legislature can also strengthen the law so that the consumer relations rules of the Idaho Public Utilities Commission (IPUC) govern currently unregulated energy utilities like electricity cooperatives and public utility districts. The Legislature and the IPUC can also improve the consumer relations regulations that protect consumers from abuses by utilities. Each of these actions will alleviate some of the burden on low-income families and help to keep the heat on in Idaho.

Background

Too many Idaho families face economic hardship

By just about any measure, Idaho families are having trouble making ends meet today. Here are just a few of the statistics that show why:

- **Poverty:** In 2002, 147,000 Idaho residents, or 11.3 percent of the state's population, lived on income below the federal poverty level.¹ The poverty line is only \$18,392 for a family of four;² those living just above the official poverty line face a struggle to survive as well.
- **Unemployment:** In September 2003 the unemployment rate hit 5.5 percent. This means that 37,486 more Idaho residents are unemployed today than were unemployed at the beginning of 2001, an increase of 28.7 percent.³
- **Job loss:** Idaho has lost 6,400 manufacturing jobs and 300 jobs in the information sector since January 2001.⁴ These jobs are more likely to pay a living wage and provide benefits than jobs in the service sector.
- **Uninsured residents:** Between 2000 and 2002, the number of uninsured people in Idaho grew from 196,000 to 233,000 (17.9 percent of the state's residents). This is almost double the national rate of growth in the percentage of people who are uninsured.⁵
- **Income:** Median yearly household income in Idaho fell \$780, or 2 percent, between 2000 and 2002. Idaho's drop in household income was greater than the national drop. While Idaho's median household income in 2001/2002 was \$38,282, the median household income nationally was \$42,654.⁶
- **Bankruptcy:** Personal bankruptcy filings in Idaho grew 26.3 percent between 2000 and 2002.⁷

The economically precarious situation of Idaho families makes any cost increase difficult to absorb, particularly when a basic necessity like energy rises in cost.

Energy costs are high and still rising

Most households in Idaho use electricity or natural gas for heating. Forty-five percent of Idaho households use utility gas and 34.4 percent use electricity.⁸ The prices of both these fuels are rising, increasing the burden on family budgets.

Electricity rates are lower in Idaho than in many other states, but the climate in Idaho increases the average usage of heating and cooling fuels. As a result, monthly electricity bills for households in Idaho are considerably higher than the monthly bills for households in other states in the region.

State	2002 average monthly electric bill ⁹	Percent of Idaho average monthly bill
Idaho	\$68.99	100
Montana	\$58.77	85
Wyoming	\$56.85	82
Colorado	\$50.59	73
Utah	\$49.14	71

Low-income residents of Idaho report that their monthly bills are much higher than the average monthly bill. Many say their monthly bills are as high as \$150 to \$200 dollars. This is common because low-income residents are more likely to live in older, cheaper housing that is less likely to be well insulated and have efficient heating and other appliances.

Monthly residential electric bills are continuing to climb. The average monthly electric bill has increased from \$59.23 in 2000 to \$68.99 in 2002, an increase of 16 percent in only 2 years.¹⁰

The cost of natural gas has also risen sharply since 2000. In 2000, the average cost of a unit of natural gas for residential customers was \$6.28. In 2001, that cost rose to an average of \$8.48, and in 2002 the average cost was \$8.42. During 2001 and 2002, the cost fluctuated between a low of \$6.76 and a high of \$10.26. In August of 2003, the last month for which information is available, the cost was \$10.25.¹¹

These rising costs are difficult for most residents and businesses to absorb, but are a catastrophe for low-income residents with no disposable income to cover the increases. No amount of conservation can bring these rising bills within some families' budgets, and foregoing heat in an Idaho winter is just not an option. Low-income families need help in meeting the additional costs.

The Low-Income Heating Assistance Program should reach more of Idaho's residents

LIHEAP (Low-Income Heating Energy Assistance Program) is a federal-state partnership benefit program that pays part of the heating bill for households that qualify. The money comes from the federal government, but the program is run by the states.

In Idaho, LIHEAP provides a one-time (per year) payment to help eligible households with heating costs. The program runs from December 1 through April 30 each year.¹² Households with income at or below 150 percent of the Federal Poverty Guidelines (FPL) qualify for LIHEAP. A family of four with annual income of \$27,600 lives at 150 percent of FPL. Eligibility is determined by reviewing the household's income over the three months prior to application.¹³

Family unit size	150 percent of Poverty ¹⁴
1	\$13,470
2	\$18,180
3	\$22,890
4	\$27,600
5	\$32,310
6	\$37,020
7	\$41,730
8	\$46,440
For each additional family member add \$4,710	

Last year, households in Idaho got a minimum of \$117, a maximum of \$707, and an average of \$250 in LIHEAP benefits.¹⁵ Benefits are calculated based on the household's energy cost burden. Energy cost burden is calculated by comparing the household's heating energy costs as a percentage of household income.¹⁶

While it helps, the program is severely under-funded. In 2002, according to the U.S. Census Bureau, there were 60,000 families in Idaho living at or below 150 percent of the FPL.¹⁷ But the LIHEAP funding Idaho receives serves about 30,000 households each year.¹⁸ This means the program can only serve about half of income eligible households.

Idaho has raised the income eligibility level almost as high as federal law allows, but the state could take one more step to include more of Idaho's residents. Federal law allows states to cover residents up to 150 percent of the FPL, or up to 60 percent of the state median income, whichever is higher. The Idaho state median income for a family of four in 2004 is \$30,659,¹⁹ while a family of four at 150 percent of FPL in 2004 earns only \$27,600.²⁰ Idaho could cover more families by adopting the higher measure.

Another eligibility criterion that Idaho has adopted further restricts the number of eligible households. The Idaho rules state that at least one member of a household must be a citizen or legal resident of the United States for that household to qualify for LIHEAP assistance.²¹ This criterion is not required by federal law. This eligibility requirement is discriminatory and unfair and leaves out families in need.

Other resources for low-income assistance are lacking in Idaho

Some of Idaho's utilities run assistance programs that are funded through voluntary donations from customers, shareholders, or employees. But these programs do not meet the needs of all Idaho resi-



Sharon McWilliam

My sister Karen and I live together on her disability payment of \$585 a month. Our apartment has electric heat, and because we get our water from a well, a power outage means we get no water, even for the toilet. Additionally, we are both disabled and dependent on machines to live. Karen needs to use a bi-pap machine when she sleeps or she stops breathing, and I need to use an oxygen concentrator when I sleep. If our power goes out it means we have no heat, no water, and no way to run the machines that keep us alive.

Paying our utility bill is always a struggle. It's usually about \$80, but sometimes as much as \$100. We have to choose which bills we will pay each month, and whether to pay for my medicine or the utility bill. My prescriptions can cost \$168 a month.

When we first moved to Idaho 11 years ago, we didn't get LIHEAP assistance because the money ran out before we applied. Last year we got enough to cover two of our utility bills last summer. Having two months with no electric bill helped us catch up on all the other bills we have. We've learned that this year we'll be getting \$136 in assistance, less than last year.

During the winter, we may qualify for the winter moratorium. But for us, having electricity is a matter of life or death all year long. Families like ours need heating assistance. Larger payments could help us keep up with the bills. No family in our situation should be turned away because the LIHEAP budget is too small. LIHEAP isn't enough to help everyone who needs it. Congress should increase the LIHEAP budget, and our state legislators should come up with a way to help those who fall through the cracks of the LIHEAP program.

dents, and as voluntary programs are not reliable sources of income. Energy assistance to low-income consumers in other states is available through both voluntary and mandated programs run through the utilities.

For example, Montana has established a universal system benefits (USB) program. This means that a percentage of each utility's revenue has to be spent on energy conservation, renewable resource projects and applications, and low-income energy assistance.²² The utilities can assess a universal system benefits charge on customers to recover the cost. At least a certain percentage of the funds must be spent on low-income assistance and weatherization.²³ The utility gets credits for money spent on USB programs. If the credits don't add up to the minimum funding requirements, the utility has to give the difference to two funds set up by the state for USB programs. One fund is for low-income energy assistance (administered by the Montana Department of Public Health and Human Services) and the other is for programs other than low-income energy assistance.²⁴ Utilities in Montana use USB funds to provide low-income heating assistance directly to customers. NorthWestern Energy provides customers who qualify for LIEAP (the Montana LIHEAP program) an additional 15 percent discount on their NorthWestern Energy electric and natural gas bills. The Flathead Electric Cooperative and Missoula Electric Cooperative also provide additional direct discounts to customers who qualify for LIEAP.²⁵

This year, the New Jersey Board of Public Utilities created a new Universal Service Fund (USF) program. Households at or below 175 percent of FPL that pay more than 3 percent of household income on electricity and 3 percent on gas, or more than 6 percent of household income on electricity including heat, qualify for assistance. Under the program, eligible households will pay no more than 6 percent of their income for their natural gas and electric service combined. Instead, the household energy bill will show a credit from the fund for the difference between the full energy bill and the household's contribution.²⁶ Residents who have already qualified for existing heating assistance programs have been automatically enrolled in the USF program, saving paperwork for all. Other residents will be able to apply independently of the other benefit programs.²⁷

The Idaho Public Utilities Commission's customer relations rules don't provide enough protections for low-income consumers

The Idaho Public Utilities Commission (IPUC) regulates investor owned utilities in Idaho. The IPUC enacts regulations that govern customer relations for these regulated utilities. The customer relations rules provide some important consumer protections, but there are some improvements that the IPUC should make to provide low-income consumers stronger protection.

Winter moratorium

The current IPUC rule says that a utility can't shut off a household's service during December through February if the household says they can't pay the full bill and the household has children, elderly, or infirm people in it. The rule says that the utility doesn't have to turn the power back on during those months if it has been shut off before the moratorium begins, even if the household meets the moratorium requirements. The utility can shut off service to a family that would qualify for the moratorium right before the period starts, then refuse to turn the power back on unless they get full payment of whatever's due.

This can be improved. In many states, including South Dakota, Rhode Island, Connecticut, Maine, and Massachusetts, the winter moratorium lasts from November to March, or even April. Idaho's winter moratorium should last as long because Idaho winters last longer than December to February.

The current rule also prevents many otherwise eligible families from qualifying by not requiring the utilities to restore families that have been disconnected before the moratorium begins. Many families report that their utility companies rush to cut them off in the weeks immediately preceding the ban to prevent them from qualifying. There is no evidence that the moratorium has been used by people who could afford to pay. The purpose of the rule is to protect these vulnerable people, and that purpose cannot be achieved without requiring the utilities to reconnect these households during the winter months.

Medical certificate shutoff postponement

The current medical certificate rule says that a utility cannot shut off a household's power for 30 days after the household provides a certificate from a doctor or a public health official saying that someone in the household is seriously ill or has a medical emergency, or that the person will become seriously ill or have a medical emergency if the power goes off. The shutoff can be postponed for 30 more days with another certificate.

Oregon's PUC has enacted a similar but stronger rule. In Oregon, the household can also submit a certificate by a nurse-practitioner or physician's assistant. This is a more realistic requirement in today's health care system, and relieves both customers and doctors. Additionally, the Oregon rule states that the certificate is valid only for the length of time the health endangerment is certified to exist, but no longer than six months without renewal for certificates not specifying chronic illnesses and no longer than 12 months for certificates specifying illnesses identified as chronic.²⁸ This rule, too, is both more realistic and less burdensome on both utility customers and their physicians.

Days and times of shutoffs

Currently the IPUC rules say that a utility can't shut off a residence's power on any Friday after 2 p.m., on Saturday, Sunday, legal holidays recognized by the state of Idaho, after 2 p.m. on any day immediately preceding any legal holiday, or at any time when the utility is not open for business.

In Oregon, the PUC rules are stronger — they forbid shutting off power at any time on a Friday or the day before a holiday.²⁹ Utilities charge extra fees or deposits for reconnecting service on weekends and holidays. If the utilities are allowed to shut off power on Fridays and days before holidays, families are forced to choose between freezing through the weekend and paying exorbitant rates to reconnect sooner. The rule as it stands penalizes working families and doesn't provide any real benefit to the utilities.

Language requirements

The IPUC rules don't require the utilities to provide notices in languages other than English. But a growing number of Idaho's residents speak a language other than English as a first language. According to the 2000 Census, 46,539 Idaho residents spoke English less than "very well"³⁰ and 9 percent of all Idaho residents spoke a language other than English.³¹ In Oregon, the PUC requires energy utilities to include basic information translated into Spanish, Vietnamese, Cambodian, Laotian, and Russian in every disconnection notice. The Oregon PUC also translates a consumer's rights and responsibilities summary into these languages and provides copies to utilities.³²



Peggy Peterson

Last November Idaho Power cut me off. I have emphysema and need an oxygen compressor that runs on electricity in order to breathe. I live on \$587 a month, and my monthly electric bill is about \$190. It's really hard to pay that much and all my other bills, but I do my best. I got a written notice about a week before they shut off the power, and called to ask for a little more time to get the money together. They promised they would wait, but they didn't. They shut off my power while I was out of the house, between 1 and 4:30 on a Friday afternoon. They didn't call me that day to warn me, or leave a message on my answering machine if they called when I was out. They just left a message on my door after they disconnected the power. I didn't know that I could qualify for the winter moratorium. I did have my doctor fax a letter to Idaho Power a few months before they cut me off, explaining my condition and why I needed to have the power on for my health, but it didn't stop them. Stress just makes it harder for me to breathe and sleep, and I was really worried that my oxygen would run out before they turned the power back on. I had to pay a \$15 reconnection fee, and a \$70 deposit, plus the bill I owed, before they would turn the power back on. Luckily the company that provides my oxygen was helpful and brought me different equipment to use until the power was turned back on. Idaho Power refused to let me set up a payment plan. I had to get money from the Salvation Army and six other places to come up with enough to get the power reconnected. I had to sell my grandmother's jewelry and swallow my pride to ask for money. I'd like to see the power company try to live on \$587 a month and pay all their bills.

Disconnection and reconnection fees

The IPUC customer relations rules don't address the question of whether utilities can charge disconnection and reconnection fees when a household's power is shut off for failure to pay. Some utilities charge both disconnection fees and reconnection fees or require deposits before reconnecting. When a family has lost service because it was unable to pay the bill, requiring such fees makes paying the bill even more impossible, and places the family even deeper in debt. The utilities argue that such fees are necessary to penalize those who choose not to pay even though they could, but there is no reason to charge them for people who fail to pay because they cannot. The IPUC rules should limit charging such fees to people with incomes over 200 percent of the FPL to protect low-income consumers from these unnecessary penalties.



**Buck Jared
Weippe, ID**

A few winters ago, I got laid off from my job as a logger. I was going to get unemployment, but had to wait a month before the first check arrived. I didn't have any way to pay for my bills during that month, and so couldn't pay for my electricity. Clearwater Power Cooperative turned me off when they didn't receive payment. It was December and I had three kids at home.

It was really hard to make it without electricity. Luckily, I had a wood stove to keep my family warm and to cook on; I'm afraid to think of what would've happened without that stove. It gets dark early in the winter which made home life difficult, and all of our food in the fridge that we couldn't eat really quickly had to be put outside so it wouldn't go bad.

When I finally got the check and went in to pay the bill, I had to pay over \$100 in fees to get my power reconnected! I even had to pay a membership fee, even though I've used that power company for years! Families in Idaho deserve protections from this sort of treatment and from being put in dangerous situations due to power disconnections.

**Margarita Valencia
Rupert, ID**

I am a small business owner, and sometimes I barely make enough to get by. My income is usually around \$900 a month. I have three kids, and my rent is \$375 a month. A little over a year ago, I wasn't able to pay my utilities bill on time, so I got a notice in the mail that my power was going to be disconnected. The bill was around \$400; I borrowed money and went to City Hall to pay my bill. When I got there, I was told that a late fee had been added to my bill, which meant I didn't have quite enough to pay the whole thing. I was \$11 short. I wanted to go get the rest of the money, but they wouldn't let me. When I got home, someone was already there turning my power off.

Because of the disconnection, the city of Rupert added extra fees onto my already high bill, and I just couldn't afford to pay the whole thing. My family had to go without power for almost two days. I was afraid that Health and Welfare was going to take away my kids. All of this happened because I was a few dollars short. There need to be protections for families like mine that are just barely making it from month to month.

The IPUC regulations do not apply to municipal utilities or electric cooperatives

The Idaho Public Utilities Commission does not regulate municipal utilities (PUD) or electric cooperatives. These utilities serve over 270,000 customers in Idaho.³³ Because the IPUC does not regulate these utilities, the IPUC customer relations regulations do not apply. Each PUD and cooperative is free to write its own customer relations rules. As a result, the rules vary widely and many of the unregulated utilities have chosen not to adopt even the minimal consumer protections in the IPUC regulations. And when a PUD or cooperative violates its own rules, the consumer cannot turn to the IPUC for enforcement.

Recommendations

Idaho can reverse the problems facing low-income utility consumers by following these recommendations:

Change the IPUC customer relations regulations to provide customers with more protections

The customer relations rules that the IPUC has established for regulated utilities should be strengthened in the following ways:

- The utilities shouldn't be allowed to charge a disconnection fee, reconnection fee, or require a deposit upon reconnection of a residential customer's service if the customer's household income is at or below 200 percent of the federal poverty level.
- Winter moratorium rules should be strengthened so that no gas or electric utility is allowed to shut off service during the months of November through March to any residential customer who is unable to pay in full for utility service and whose household includes children, elderly or infirm persons. If the household's service has been shut off before the moratorium began, and the household otherwise qualifies, the utility should be required to restore service at no cost.
- The medical certificate rules should be strengthened so that a certificate from a nurse-practitioner or physician's assistant can be accepted, as well as a physician's or public health official's. The length of the postponement of termination should be extended, from 30 days to six months upon receipt of a certificate declaring a medical emergency and 12 months upon receipt of a certificate declaring a chronic illness, as in Oregon.
- The times and days when a utility can shut off a household's power should be further limited. The utilities should not be allowed to shut off power on any Friday, Saturday, Sunday, legal holiday recognized by the state of Idaho, or any day immediately preceding a legal holiday, or at any time when the utility is not open for business. Utilities should be allowed to shut off power only between the hours of 8:00 a.m. and 4:00 p.m.
- Every public utility should provide rate schedules, bills, explanations of how to read meters, termination notices, and information regarding selection of appliances in commonly spoken languages other than English.
- Shutoff notices should include additional information in plain language, including the time of shutoff, information about the winter moratorium and medical certificate shutoff postponement, and a statement in commonly spoken languages other than English about the contents of the notice and how to get a translation of the notice.

- Utilities should be required to provide written shutoff notices at least two weeks before shutoff and to make at least two attempts to contact the household within 24 hours of shutoff, to allow households more time to obtain money or make other payment arrangements.

Amend the law so that the Idaho Public Utilities Commission's customer relations rules govern the public utility districts and cooperatives

Currently these utilities are not governed by the IPUC. Each utility is free to make up its own rules for customer relations, and the result is an uneven patchwork of customer protections around the state. Customers of these utilities cannot turn to the IPUC for enforcement of rules or other protections. It's time for the state to empower the IPUC to make the customer relations rules that govern public utility districts and cooperatives, and to enforce those rules, so that all customers have the same minimum protections and enforcement of those protections.

Increase LIHEAP's coverage of Idaho's families

The funding the federal government currently appropriates for Idaho's LIHEAP program is clearly inadequate. The current level covers only half of the households in Idaho at or under 150 percent of the federal poverty level. This program should be fully funded, either at the federal level or by supplementing the program with state funds. Idaho should adopt the higher income eligibility standard of 60 percent of median income. The state should also eliminate the requirement that at least one member of a household be a citizen or legal resident to qualify for LIHEAP assistance.

Mandate low-income assistance by utilities, through a universal system benefits program or similar program

Other states, like Montana, have created resources for low-income energy assistance through programs like the universal system benefits program. A USB program spreads the burden of making heating energy affordable by imposing a small fee on all customers to create a fund to assist those who simply cannot afford the full cost of utility bills. Idaho needs to create a utility-based program to fund low-income energy assistance, not rely on voluntary programs and donations from customers.

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About the organizations releasing this report



Northwest Federation of Community Organizations (NWFCO) is a regional federation of four statewide, community-based social and economic justice organizations located in the states of Idaho, Montana, Oregon, and Washington: Idaho Community Action Network (ICAN), Montana People's Action (MPA), Oregon Action (OA), and Washington Citizen Action (WCA). Collectively, these organizations engage in community organizing and coalition building in 14 rural and major metropolitan areas, including the Northwest's largest cities (Seattle and Portland) and the largest cities in Montana and Oregon. 1265 South Main Street Suite #305, Seattle, WA 98144, Voice: (206) 568-5400, Fax: (206) 568-5444, Web: <http://www.nwfco.org>.



Idaho Community Action Network (ICAN) serves as a powerful, consolidated voice for Idaho's poor, with chapters and membership clusters in 12 Idaho communities, including the state's three largest cities and numerous rural towns. Through ICAN, low-income Idaho families have a voice in the decisions that impact their lives. In addition to its direct action work, ICAN runs a statewide, volunteer-driven food program that helps low-income families supplement their monthly budgets. ICAN's community organizing model integrates the provision of food with training, leadership development and action on issues. 3450 Hill Road, Boise, ID 83703, Voice: (208) 385-9146, Fax: (208) 336-0997, Web: <http://www.nwfco.org/idaho/icn.html>