

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 56-585.6 of the Code of Virginia, relating to electric utilities; Percentage of*  
 3 *Income Payment Program; eligibility.*

4 [H 884]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 56-585.6 of the Code of Virginia is amended and reenacted as follows:**8 **§ 56-585.6. Universal service fee; Percentage of Income Payment Program and Fund.**

9 A. The Commission shall, after notice and opportunity for hearing, initiate a proceeding to establish the  
 10 rates, terms, and conditions of a non-bypassable universal service fee to fund the Percentage of Income  
 11 Payment Program (PIPP). Such universal service fee shall be allocated to retail electric customers of a Phase  
 12 I and Phase II Utility on the basis of the amount of kilowatt-hours used and be established at such level to  
 13 adequately address the PIPP's objectives to (i) reduce the energy burden of eligible participants by limiting  
 14 electric bill payments directly to no more than ~~six~~ *three* percent of the eligible participant's annual household  
 15 income if the household's heating source is anything other than electricity, and to no more than ~~four~~ *five*  
 16 percent of an eligible participant's annual household income on electricity costs if the household's primary  
 17 heating source is electricity; (ii) reduce the amount of electricity used by the eligible participant's household  
 18 through participation in weatherization or energy efficiency programs and energy conservation education  
 19 programs; and (iii) reduce the amount of energy, regardless of primary heating source, used by the eligible  
 20 participant's household through participation in weatherization or energy efficiency programs and energy  
 21 conservation education programs. The annual total cost of any programs implemented pursuant to clauses (i),  
 22 (ii), and (iii) shall not exceed costs, including administrative costs, in the aggregate of (a) \$25 million for any  
 23 Phase I Utility or (b) \$100 million for any Phase II Utility in any rate year in which such program costs are  
 24 incurred.

25 B. The Commission shall determine the reasonable administrative costs for the investor-owned utility to  
 26 collect the universal service fee and remit such funds to the Percentage of Income Payment Fund established  
 27 in subsection ~~E~~ *F*, and any other administrative costs the investor-owned utility may incur in complying with  
 28 the PIPP, and shall determine the proper recovery mechanism for such costs. A Phase I and Phase II Utility  
 29 shall not be eligible to earn a rate of return on any equity or costs incurred to comply with the program  
 30 requirements or implementation. The Commission shall initiate proceedings to provide for an annual true-up  
 31 of the universal service fee within 60 days of the commencement of the PIPP and on an annual or semiannual  
 32 basis thereafter. As part of any annual true-up case, each Phase I and Phase II Utility shall report to the  
 33 Commission any data or forecasting required by the Commission regarding the participation by PIPP  
 34 participants in utility energy reduction programs.

35 C. *Beginning January 1, 2027, any retail electric customer of a Phase I or Phase II Utility with a*  
 36 *household income at or below 200 percent of the federal poverty guidelines shall be eligible for participation*  
 37 *in PIPP.*

38 D. The Department of Social Services (the Department), in consultation with, as it deems necessary, the  
 39 Department of Housing and Community Development, shall adopt rules or establish guidelines for the  
 40 adoption, implementation, and general administration of the PIPP and the Percentage of Income Payment  
 41 Fund established in subsection ~~E~~ *F*, consistent with this section. Such rules or guidelines shall include  
 42 exemptions for terms of program participation or energy use reduction as the Department deems appropriate.  
 43 The PIPP shall commence no later than one year after the Department publishes such rules or guidelines.  
 44 Each Phase I and Phase II Utility shall cooperate with the requests of the Department in the implementation  
 45 and administration of the PIPP. The Commission shall promulgate any rules necessary to ensure that (i) funds  
 46 collected from each utility's universal service fee are directed to the Percentage of Income Payment Fund and  
 47 (ii) utilities receive adequate compensation from the Fund, on a timely basis, for all reasonable costs of the  
 48 PIPP, including costs associated with bill payment credits for eligible customers.

49 ~~D.~~ E. In carrying out the PIPP's objective of electricity usage reductions, PIPP-eligible customers may, to  
 50 the extent reasonably possible, utilize existing energy efficiency or related programs approved by the  
 51 Commission for a Phase I and Phase II Utility and existing and available federal, state, local, or nonprofit  
 52 programs. The Department may review the needs of PIPP-eligible customers and whether gaps remain in  
 53 serving such customers that are not already served by existing and available federal, state, local, or nonprofit  
 54 programs to meet the energy reduction obligations of this section. The Department shall report the results of  
 55 such analysis and review to the Chairs of the House Committee on Labor and Commerce and the Senate  
 56 Committee on Commerce and Labor no later than November 1, 2022.

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57 ~~E- F.~~ There is hereby created in the state treasury a special nonreverting fund to be known as the  
58 Percentage of Income Payment Fund, referred to in this section as "the Fund." The Fund shall be established  
59 on the books of the Comptroller. All funds collected from each Phase I and Phase II Utility's universal service  
60 fee shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall  
61 remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the  
62 end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund  
63 shall be used solely for the purposes of implementation and administration of the PIPP, including any  
64 associated start-up costs. Expenditures and disbursements from the Fund shall be made by the State Treasurer  
65 on warrants issued by the Comptroller upon written request signed by the Commissioner of the Department  
66 of Social Services or by order of the Commission in conjunction with a true-up proceeding.

67 **2. That no later than January 1, 2027, the Department of Social Services, in consultation with the**  
68 **Department of Housing and Community Development as needed, shall update its rules and guidelines**  
69 **for the implementation of the Percentage of Income Payment Program and Fund in § 56-585.6 of the**  
70 **Code of Virginia, as amended by this act, to reflect the eligibility requirements of this act.**

71 **3. That the provisions of the first enactment of this act shall become effective on January 1, 2027.**