

**ENERGY PROGRAMS**  
**DUKE ENERGY PROGRESS COMPANY'S NC Rate Settlement Fund**

**EP – 620 DUKE ENERGY PROGRESS COMPANY'S NC RATE SETTLEMENT FUND**

**Change -6-2024**

**November 8, 2024**

**620.01 GENERAL INFORMATION**

- A. NC Rate Settlement fund is funded 100% from monies contributed by Duke Energy Progress customers and employees and from corporate donations. Allocations are made **only** to counties that have Duke Energy Progress residential customers. (See Figure 500-1.) Allocations are based on the number of Duke Energy Progress residential customers in each county. Counties spend the money until the funds are exhausted or until the end of the State fiscal year.

The following sections of the Energy Programs manual also apply to NC Rate Settlement Fund:

	Section	Section Number
1	Contracting and Vendor Agreement	120
2	Retention	125
3	Appeals and Hearing Process	135
4	Overpayments and Fraud	140
5	Household Composition	150
6	U. S. Citizenship and Non-Citizens	175
7	Energy Programs Outreach Plan	200
8	<b>Crisis Intervention Program</b>	<b>400</b>

- B. Explore the possibility of a NC Rate Settlement fund payment prior to providing Low Income Energy Assistance or Crisis Intervention Program (CIP) assistance.

**NOTE: Native American Tribes who administer their NC Rate Settlement fund do not receive NC Rate Settlement funds; therefore, those served by Native American Tribes can apply for NC Rate Settlement at local county agencies.**

- C. Household must be experiencing a heating or cooling crisis. A household is in a life threatening or health related crisis if the heating or cooling source is disconnected, or the household is currently experiencing or is in danger of experiencing a life-threatening or health-related emergency due to lack of heating/cooling, and sufficient, timely, and appropriate assistance is not available from any other source. Life-threatening is defined as a household which has no heating or cooling source or has a disconnect, final or past due notice for their primary heating or cooling service and the health or well-being of a household member would be in danger if the heating or cooling crisis was not alleviated. Each household should be evaluated on a case-by-case basis to determine if there is a heating or cooling crisis. Households may receive funds for all types of fuel used.

## **620.02 ELIGIBILITY REQUIREMENTS**

- A. Counties must begin taking applications when their NC Rate Settlement allocation is received. (See 500.04 below.)
- B. A household must be a Duke Energy Progress residential customer. Accept the **applicant's** statement, unless questionable. If questionable, view a current service bill or telephone your local company to verify that the household is a Duke Energy Progress customer.
- C. A household must be experiencing a heating or cooling-related crisis. Refer to 500.05 below for guidelines on how to assess whether a crisis exists.
- D. A household must have countable **gross** income at or below 150% of the current poverty level. (See 500.06 below.)
- E. Assistance must be authorized within 18 to 48 hours. (See 500.04 G. below.)
- F. Benefits cannot exceed **\$2500** per application and **\$2500** per State fiscal year.
- G. There must be a signed agreement with each vendor who receives a NC Rate Settlement fund payment. (See 500.03 below.)
- H. Hierarchy of funds: Share the Light will be pulled first then NC Settlement then Federal CIP funds.

## **620.03 VENDOR AGREEMENT (See Section 120 on Contracting and Vendor Agreements)**

The purpose of a vendor agreement is to ensure that the vendor does **not** treat recipients adversely.

### **County Responsibility for Negotiating Vendor Agreements**

When the local county agency chooses to make a voucher or vendor payment or issue a two-party check, there must be an agreement with the vendor. See B. below for exceptions. In some instances, the payment will be to a landlord which makes **the landlord** an energy supplier; therefore, a vendor agreement is required.

- A. Vendor Agreements must be renegotiated each year. Vendor agreements must be completed annually by the provider in the Energy Provider Portal. If providers need assistance, they can email the Energy Business team at [energy.providers@dhhs.nc.gov](mailto:energy.providers@dhhs.nc.gov) or call the Energy Provider Portal helpdesk at 919-813-5460 Monday through Friday between 8:00 am and 6:00 pm. The Energy Portal website [Energy Provider Portal | NCDHHS](#) provides job aids, video guides and other helpful information on the portal .

## **620.04 APPLICATION PROCESS**

Everyone who wishes to apply must be given the opportunity to apply without delay. The applicant must be allowed to sign an application, DSS-8178, on the day **they**:

- Appear at the local county agency; **or**
- Appear at an agency that is taking applications per the county's plan. (See EP 200.)

### **A. Acceptance of Application**

Application taking must begin on the first working day of July and continue until the NC Rate Settlement fund allocation is exhausted or until the end of the current State fiscal year, whichever occurs first.

1. The applicant or **their** representative must apply for NC Rate Settlement fund in the county in which the household resides. The applicant must be a resident of North Carolina.
2. When you receive a request for assistance by mail or telephone and a crisis is indicated, follow-up within **one business day** to schedule an interview. If the request is made by an individual who would have difficulty coming to a local county agency or outpost office, obtain the information for the application by telephone **and complete the application with a telephonic signature**. If verification is needed send a DSS-8185 requesting necessary verifications. The date of application is the date the applicant was interviewed and consented to the telephonic signature for **telephone applications only**. (See Section EP 400 for more information regarding telephone interviews.) **For any client that declines the option of telephonic signature, mail the DSS-8178, Energy Programs Application to the applicant. Do not key an application in NC FAST until the signed DSS-8178 is returned. The county is responsible for keeping a record of applications being mailed.** If a life-threatening situation exists, a home visit to obtain the needed information may be necessary if the information cannot be obtained by some other means.
3. If the applicant or **their** representative decides not to apply, complete the inquiry. Include as much information about the situation as possible.

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4. You must research your county files to determine if anyone listed on the DSS-8178 has received NC Rate Settlement funds before.

**B. Who must be included in the application?**

The same rules apply as those in LIEAP and CIP. See Section 150 for instructions on who must be included.

**C. Explanation of Rights and Responsibilities**

1. Explain to the applicant **they have** the right to:
  - a. Receive assistance if found eligible.
  - b. Have any person participate in the interview for determination of eligibility.
  - c. Be protected against discrimination on the grounds of race, creed, or national origin by Title VI of the Civil Rights Act of 1964. **The applicant** may appeal such discrimination through Section 504 of the Disability Act.
  - d. Have any information given to the agency kept in confidence.
  - e. Appeal if:
    - (1) **The applicant** was denied the right to apply for assistance on the same day he or his representative went to the local county agency;
    - (2) **The applicant's** application was denied;
    - (3) **The applicant's** assistance was incorrect based on the county's interpretation of State regulations; **or**
    - (4) A decision is not made on **the applicant's** application within **18** to 48 hours.
  - f. Reapply at any time.
  - g. Withdraw from the assistance program at any time.
2. Explain to the applicant he has the responsibility to:
  - a. Provide the local county agency the necessary information which can be used to locate and obtain information needed to determine eligibility; **and**

- b. Report immediately to the local county agency the receipt of benefits, which he knows to be erroneous. If he does not report such incorrect payments, he may be required to repay any overpayment.
3. Explain the meaning of fraud to the applicant.

**D. Completion of the DSS-8178 During the Application Interview**

1. Document the applicant's responses to the questions on the DSS-8178.
2. As part of the interview process, determine what other services may be appropriate to meet the crisis. Document in **NC FAST** which services were provided.
3. The applicant must sign the DSS-8178.

**Note: Please see CIP policy section 400.03 Application Requirements for signature guidance.**

**E. Eligibility Determination**

When you complete the interview, verify all necessary factors of eligibility to determine if the household is eligible.

**The household** must meet the following eligibility criteria in order to be eligible for NC Rate Settlement Fund.

1. Income

**Household meets income eligibility if the total household's members' countable income is equal to or less than 150% of the current poverty level. Please refer to CIP Policy Section 400.03 of the Energy Manual for income guidelines.**

2. A crisis situation must exist. See 620.05 below.

Document eligibility verification in **NC FAST**.

Receipt of NC Rate Settlement Fund benefits does not affect a household's eligibility for LIEAP, CIP, Emergency Assistance, etc.

**620.05 CRISIS DETERMINATION AND DOCUMENTATION**

**A household is in a crisis if the A household is considered to be in a life threatening or health related crisis if the heating or cooling source is disconnected, or the household is currently experiencing or is in danger of experiencing a life-threatening or health-related emergency due to lack of heating/cooling, and sufficient, timely, and appropriate assistance is not available from any other source.**

**NOTE:** Life-threatening is defined as a household which has no heating or cooling source or has a disconnect, final or past due notice for their primary heating or cooling service and the health or well-being of a household member would be in danger if the heating or cooling crisis was not alleviated.

**A. Crisis Determination**

1. Guidelines For Determining If a Crisis Exists

The following guidelines are considered to support a decision that a crisis exists.

If the answer to all the questions below is No, the applicant is not experiencing a crisis.

If the answer to one or more questions is Yes, it may be determined that a crisis exists. Counties must use prudent judgement. This is not an **all-**inclusive list. Consider the following guidelines to determine if a crisis exists.

- a. Has the family experienced an event beyond its control?
- (1) The household is experiencing unusual and/or unexpected expenses; **or**
  - (2) There is a decrease in the household's income.

**NOTE:** If there is no unusual and/or unexpected expense, decrease in the client's income, or if the client has misspent his income, the household may still be considered to be in a crisis situation if the answer to "b." is Yes.

- b. Is there no source of heating or cooling, or is the source of heating or cooling in jeopardy?
- (1) The fuel supply is exhausted or terminated;
  - (2) **A** notice has been received notifying the household of termination of the heating or cooling source; **or**
  - (3) The heating or cooling source is in need of repair.

- c. Once you determine a crisis exists, you must still determine if payment is needed to meet the crisis, or is there some other way to alleviate the situation?
- (1) Does the applicant have sufficient resources, such as a savings or checking account to alleviate the crisis?

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Explore whether other family members may be able to offer assistance or support; **or**

- (2) Explore with the applicant whether they or a member of the household will have income or resources that can be used to meet the emergency. Document in NC FAST what the applicant reports.
- (3) Decide whether there are other community resources that can be used to alleviate the crisis.
- (4) Will the fuel supplier agree to continue service until the applicant receives **their** next check?
- (5) Explore if the applicant has a history of being in a crisis situation. If so, it is preferable to use other resources to assist in alleviating the situation. To maximize the **\$2500** limitation in NC Rate Settlement fund, explore all other resources to assist in alleviating the situation.

**Note: History of being in a crisis situation has no bearing on the eligibility of the application. An application cannot be denied for history of crises or if the household does not have income or resources to prevent future crises.**

2. Verification and Documentation

a. Verify that a crisis exists by either:

- (1) Accepting the applicant's statement, unless questionable;
- (2) Viewing bills; **or**
- (3) Contacting collaterals, such as neighbors, vendors, landlords, etc.

b. Documentation should include but not be limited to:

- (1) Date of application;
- (2) Statement of crisis; **and**
- (3) Method of verification.

If you use the applicant's statement, document what **the applicant** says and the date. When you use other evidence, show the type of document used and the date. When using collaterals, show the collateral's name, date, and statement. **Document in NC FAST.**

**B. Time Frames for Authorizing Assistance**

1. Time Frame for Authorizing Assistance When Crisis **Is Not** Life-Threatening

If a household is experiencing a crisis which is not life-threatening, authorize benefits within 48 hours (2 days). This does not mean issuance of benefits, but you must authorize eligibility to alleviate the crisis. These deadlines apply even if another agency is taking the application.

2. Time Frame for Authorizing Assistance When Crisis **Is** Life-Threatening

Since the household is experiencing a life-threatening situation, authorize benefits within 18 hours. This does not mean issuance of benefits, but you must authorize eligibility to alleviate the crisis. These deadlines apply even if another agency is taking the application.

**C. Notification of Eligibility**

1. If assistance is **approved**, use the Data Entry System to complete a DSS-8107.
2. If assistance is **withdrawn or denied**, use the Data Entry System to complete a DSS-8107.
3. **Time Frame for Denying Assistance**

**If the household is determined ineligible for assistance, applications must be denied within 18 hours if identified as an emergency application or 48 hours if the household is determined to be a non-emergency application.**

**620.06 BENEFIT LEVELS AND LIMITATIONS**

- A. A household may receive benefits more than one time during a State fiscal year which is defined as **July through June**.
- B. A household may receive **\$2500** for crisis assistance during a State fiscal year (July 1 through June 30).
- C. The maximum benefit that can be paid to a household during a fiscal year is **\$2500**. There is no requirement that a household must receive **\$2500** in a fiscal year.
- D. Benefits may vary based upon the severity of the crisis and the services needed; however, benefits cannot exceed **\$2500** per application.
- E. **If more than \$2500 is needed to alleviate the crisis, you must:**



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1. Determine if there are other community resources that can be used in conjunction with the \$2500, including CIP and LIEAP funds.
2. Negotiate with the vendor to alleviate the crisis for \$2500; or
3. Counsel the applicant on any available options which can be used. However, apply this option only if you are unable to alleviate the crisis using 1. or 2. above.

If you are unable to alleviate the crisis by one of the means listed above, **deny the application.**

#### F. Crisis Assistance

1. At the time of application, a household may be assisted with more than one type of fuel bill as long as the payment does not exceed the maximum benefit allowed per application.
2. Maximum assistance per application is \$2500 not to exceed a maximum benefit of \$2500 per household during the fiscal year.
3. Funds can be used to assist households with reconnection charges.
4. Funds cannot be used to prevent a crisis.
5. Funds are **not** to be used for:
  - a. Paying bills from current or prior residence that are older than 12 months;
  - b. Paying for repairs;
  - c. Purchase of space heaters, etc.; **or**
  - d. Assistance to households whose only crisis is lack of refrigeration.
  - e. Unauthorized or illegal usage fees associated with return checks and/or meter tampering charges.
6. Funds can be used for:
  - a. Purchasing or installing air conditioners;
  - b. Paying electric bills; **or**
  - c. Purchasing fans.

#### 620.07 METHOD OF PAYMENT

##### Crisis Assistance

Payment must be made in **one** of the ways listed below. **No** other payment method is acceptable.

1. County-issued check to the fuel provider; **or**

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2. A direct deposit payment that the provider has enrolled through FIS (EBTedge Portal), website link: [Provider Login \(ebtedge.com\)](http://ebtedge.com). or
3. A voucher/vendor payment.

A household may never receive cash assistance to purchase items. All payments go directly to the energy provider. All return payments should be issued back to the local county DSS office and not to the applicant.

**620.08 OTHER SERVICES**

See Energy Manual Section EP 200, Energy Programs Outreach Plan, for utilities moratorium information.