

APPENDIX B

The fifty-one utilities listed in Appendix B do not currently file Form No. 8-P. They would commence reporting only residential data on revised Schedule 1 as of the date an order issues in this rulemaking.

- Athens Electric Department, Alabama
- Matanuska Electric Association, Inc., Alaska
- Tucson Gas & Electric Company, Arizona
- Alameda Bureau of Electricity, California
- Banning Electric Department, California
- Intermountain Rural Electric Association, Colorado
- Florida Power Corporation
- Tampa Electric Company, Florida
- Homestead Municipal Electric Department, Florida
- Albany Water, Gas & Light Commission, Georgia
- Central Georgia Electric Membership Corp. Public Service Company of Indiana, Inc.
- Iowa-Illinois Gas & Electric Company
- Webster City Municipal Light & Power, Iowa
- Kentucky Power Company
- New Orleans Public Service, Inc., Louisiana
- New Bedford Gas & Edison Light Company, Massachusetts
- Western Massachusetts Electric Company
- Minnesota Power & Light Company
- Anoka Water, Light Department (Municipal), Minnesota
- Detroit Lakes Municipal Utilities, Minnesota
- Wadena Electric & Water Works Department, Minnesota
- Mississippi Power Company
- Missouri Edison Company
- Missouri Power & Light Company
- Missouri Public Service Company
- Hannibal Board of Public Works, Missouri
- Montana Power Company
- Grand Island Electric Department, Nebraska
- Jersey Central Power & Light Company
- Orange & Rockland Utilities, Inc., New York
- Rochester Gas & Electric Corp., New York
- Carolina Power & Light Company
- Columbus & Southern Ohio Electric Company
- Toledo Edison Company, Ohio
- Painesville Electric Division, Ohio
- Central Lincoln People's Utilities District, Oregon
- Metropolitan Edison Company, Pennsylvania
- Pennsylvania Electric Company
- Pennsylvania Power Company
- Windber Electric Corporation, Pennsylvania
- Blackstone Valley Electric Company, Rhode Island
- The Narragansett Electric Company, Rhode Island
- South Carolina Electric & Gas Company
- The Middle Tennessee Electric Membership Corp.
- Community Public Service Company, Texas
- Brownsville Public Utilities Board, Texas
- Garland Electric Department, Texas
- Bobstown Utility System, Texas
- Logan City Municipal Power & Light Department, Utah
- Public Utilities Dist. No. 1 of Cowlitz County, Washington

APPENDIX C

The fourteen utilities listed in Appendix C are currently reporting commercial and industrial data only, and will continue to do so in the future. They do not currently report residential data, but would commence reporting residential data on revised Schedule 1 as of the date an order issues in this rulemaking.

- Huntsville Utilities, Alabama
- Arkansas Power & Light Company
- Colorado Springs Department of Public Utilities, Colorado
- United Illuminating Company, Connecticut
- Florida Power & Light Company

- Louisville Gas & Electric Company, Kentucky
- Louisiana Power & Light Company
- Chicopee Electric Light Department, Massachusetts
- Nebraska Public Power District
- Ohio Edison Company
- Memphis Light, Gas & Water Division, Tennessee
- Texas Electric Service Company
- San Antonio Public Service Board, Texas
- Appalachian Power Company, Virginia

APPENDIX D

The fifty-three utilities listed in Appendix D are currently reporting residential data on the existing schedule, and shall continue doing so through September 1977, when such reporting shall be terminated. In addition, they would commence reporting residential data on revised Schedule 1 as of the date an order issues in this rulemaking.

- Anchorage Munic. Light & Power Department, Alaska
- Chugach Electric Association, Inc., Alaska
- Pacific Gas & Electric Company, California
- San Diego Gas & Electric Company, California
- Southern California Edison Company
- Los Angeles Department of Water & Power, California
- Public Service Company of Colorado
- Connecticut Light & Power Company
- Potomac Electric Power Company, District of Columbia
- Georgia Power Company
- Hawaiian Electric Company, Inc.
- Commonwealth Edison Company, Illinois
- Illinois Power Company
- Indianapolis Power & Light Company, Indiana
- Central Maine Power Company
- Baltimore Gas & Electric Company, Maryland
- Boston Edison Company, Massachusetts
- Brockton Edison Company, Massachusetts
- Cambridge Electric Light Company, Massachusetts
- Massachusetts Electric Company
- Consumers Power Company, Michigan
- Detroit Edison Company, Michigan
- Northern States Power Company (Minn.)
- Kansas City Power & Light Company, Missouri
- Union Electric Company, Missouri
- Independence Power & Light Department, Missouri
- Public Service Electric & Gas Company, New Jersey
- Consolidated Edison Company of N.Y., Inc.
- Long Island Lighting Company, New York
- New York State Electric & Gas Corporation
- Niagara Mohawk Power Corporation, New York
- Duke Power Company, North Carolina
- Cincinnati Gas & Electric Company, Ohio
- Cleveland Electric Illuminating Company, Ohio
- Ohio Power Company
- Pacific Power & Light Company, Oregon
- Portland General Electric Company, Oregon
- Duquesne Light Company, Pennsylvania
- Pennsylvania Power & Light Company
- Philadelphia Electric Company, Pennsylvania
- West Penn Power Company
- Nashville Electric Service, Tennessee
- Central Power & Light Company, Texas
- Dallas Power & Light Company, Texas
- Gulf States Utilities Company, Texas
- Houston Lighting & Power Company, Texas
- Texas Power & Light Company
- Utah Power & Light Company
- Virginia Electric Power Company
- Puget Sound Power & Light Company, Washington
- Public Utility Dist. No. 1 of Snohomish County, Washington
- Seattle Department of Lighting, Washington
- Wisconsin Electric Power Company

APPENDIX E

The ten utilities listed in Appendix E are currently reporting residential data on the existing schedule and would continue to do so through September 1977 when such reporting shall be terminated. These utilities are currently reporting commercial and industrial data and would continue to do so.

- Hartford Electric Light Company, Connecticut
- Orlando Utilities Commission, Florida
- Kansas Gas & Electric Company
- Kansas City Board of Public Utilities, Kansas
- Braintree Electric Light Department, Massachusetts
- Peabody Municipal Light Plant, Massachusetts
- Reading Municipal Light Department, Massachusetts
- Mississippi Power & Light Company
- Cleveland Division of Light & Power, Ohio
- Austin Electric Department, Texas

APPENDIX F

The twenty-one utilities listed in Appendix F are currently reporting only residential data on the existing schedule, and would continue doing so through September 1977. At that time, all such reporting would be terminated.

- Florence Electricity Department, Alabama
- Alaska Electric Light & Power Company
- Fairbanks Municipal Utilities System, Alaska
- Ketchikan Public Utilities, Alaska
- College Park Munic. Elec. Light Department, Georgia
- East Point Municipal Electric Department, Georgia
- Northern Indiana Public Service Company
- Logansport Municipal Utilities, Indiana
- Iowa Electric Light Power Company
- Union Light, Heat & Power Company, Kentucky
- Wellesley Municipal Light Plant, Massachusetts
- Niles Board of Public Works, Michigan
- Otter Tail Power Company, Minnesota
- Nevada Power Company
- Atlantic City Electric Company, New Jersey
- Central Hudson Gas & Electric Corp., New York
- The Dayton Power & Light Company, Ohio
- Mangum Light & Power Department, Oklahoma
- Union Utility Department, South Carolina
- Martinsville Municipal Electric Department, Virginia
- Wisconsin Public Service Corporation

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LEGAL SERVICES CORPORATION

[45 CFR Part 1611]

ELIGIBILITY

The Legal Services Corporation ("the Corporation") was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 376, 42 U.S.C. 2996-2996i ("the Act"), for purpose of providing financial support for legal assistance in non-criminal proceedings or matters to persons financially unable to afford legal assistance. Section 1007(a)(2) of the Act requires the Corporation to establish maximum income levels for individuals eligible for legal assistance, eligibility guidelines which take into account certain enumerated factors, and priorities to insure that persons least able to afford legal assistance are given preference in furnishing such assistance.

Pursuant to Section 1008(e) of the Act, the Corporation hereby affords notice and publishes for comment the following proposed regulations concerning eligibility for legal assistance. Public comment will be received by the Corporation at its headquarters office, Suite 700, 733 15th Street, NW., Washington, D.C. 20005 on or before July 12, 1976. Comments must be in writing and may be accompanied by a memorandum or brief in support thereof. Comments received may be seen at the above offices during business hours Monday through Friday.

Final regulations will be issued by the Corporation after review and consideration of public comments received pursuant to this notice.

Part 1611 is added in proposed form as set forth below:

PART 1611—ELIGIBILITY

Sec.	
1611.1	Purpose.
1611.2	Definition.
1611.3	Maximum income level.
1611.4	Authorized exceptions.
1611.5	Determination of eligibility.
1611.6	Manner of determining eligibility.
1611.7	Change in circumstances.
1611.8	Priorities.

AUTHORITY: Section 1007(a)(2); 42 U.S.C. 2996(a)(2).

§ 1611.1 Purpose.

This part is designed to insure that a recipient will determine eligibility according to criteria that give preference to the legal needs of those least able to obtain legal assistance, and still afford sufficient latitude for a recipient to consider local circumstances and its own resource limitations. The Part also seeks to insure that eligibility is determined in a manner conducive to development of an effective attorney-client relationship.

§ 1611.2 Definition.

"Income" means actual current gross annual income of all persons who are members of, and contribute to, the support of a family unit.

§ 1611.3 Maximum income level.

(a) Every recipient shall establish a maximum income level for persons receiving legal assistance under the Act. Unless specifically authorized by the Corporation, the income level chosen shall not deviate more than twenty-five percent (25%) from the maximum income level established periodically by the Corporation, which shall be the official poverty threshold, as defined by the Office of Management and Budget, and modified, when necessary, by the percentage change in the National Consumer Price Index, published by the Bureau of Labor Statistics, for the period since the last OMB definition. The maximum income level chosen by a recipient shall take into account the following factors:

- (1) Cost-of-living in the locality;
- (2) The population at and below alternative income levels in the geographic area served by the recipient; and
- (3) The number of clients that can be served by the resources of the recipient.

(b) Unless authorized by § 1611.4, no person whose income exceeds the maximum income level established by a recipient shall be eligible for legal assistance under the Act.

§ 1611.4 Authorized exceptions.

A person whose income exceeds the maximum income level established by a recipient pursuant to § 1611.3 may not be provided legal assistance under the Act unless:

(a) The person's circumstances require that an exception be made on the basis of one or more of the factors set forth in § 1611.5(b); or

(b) The person is seeking legal assistance to obtain or prevent the loss of benefits provided by a governmental program for the poor; or

(c) The person's income is derived, in major part, from benefits provided by governmental programs for the poor.

§ 1611.5 Determination of eligibility.

(a) The governing body of a recipient shall adopt guidelines, consistent with these regulations, for determining the eligibility of persons seeking legal assistance under the Act. At least once a year, guidelines shall be reviewed and appropriate adjustments made.

(b) In addition to annual income, a recipient shall consider other relevant factors indicating that legal assistance should be denied, or that an exception should be made pursuant to § 1611.4(c). Factors considered shall include:

- (1) Seasonal variations in income;
- (2) Liquid net assets;
- (3) Fixed debts and obligations, medical expenses, child care expenses necessary for employment;
- (4) Age or physical infirmity of family members;
- (5) Other factors related to financial inability to afford legal assistance; and
- (6) Priorities adopted by the governing body.

(c) Evidence of a prior administrative or judicial determination that a person's present lack of income results from refusal or unwillingness, without good cause, to seek or accept suitable employment, shall disqualify the person from receiving legal assistance under the Act. This paragraph does not bar provision of legal assistance to an otherwise eligible person who seeks representation in order to challenge the prior determination.

(d) A recipient may provide legal assistance to a group or association if:

- (1) The group is primarily composed of persons eligible for legal assistance under the Act, or
- (2) The primary purpose of the group is to represent the interests of persons in the community unable to afford legal assistance, and
- (3) The group provides information showing that it lacks, and has no practical means of obtaining funds to retain private counsel.¹

¹ The original draft of the eligibility regulation contained the additional requirement that, for a recipient to provide legal assistance to a group or association:

§ 1611.6 Manner of determining eligibility.

(a) A recipient shall adopt a simple form and procedure for obtaining from a potential client, in a manner that promotes the development of trust between attorney and client, eligibility information required by its guidelines and by the Corporation. The form and procedure adopted shall be subject to approval by the Corporation, and eligibility information shall be preserved, in a manner that protects confidentiality, for audit by the Corporation.

(b) If there is substantial reason to doubt the accuracy of eligibility information, a recipient shall make appropriate inquiry to verify it, in a manner consistent with an attorney-client relationship.

§ 1611.7 Change in circumstances.

If an eligible client becomes ineligible through a change in circumstances, a recipient shall discontinue representation if the change in circumstances is sufficiently stable for the client to obtain private legal assistance, and discontinuation is not inconsistent with the attorney's professional responsibilities.

§ 1611.8 Priorities.

To insure that the legal needs of persons least able to afford legal assistance are given preference, a recipient shall adopt procedures for establishing priorities in the allocation of its resources. The following factors shall be among those considered in establishing priorities:

- (a) The resources of the recipient;
- (b) The size of the financially eligible population in the geographic area served by the recipient;
- (c) The availability of another source of legal assistance in a particular category of cases or matters;
- (d) The urgency of particular legal problems of the clients of the recipient; and
- (e) The general effect of the resolution of a particular category of cases or matters on persons least able to afford legal assistance in the community served.

THOMAS EHRLICH,
President,
Legal Services Corporation.

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[45 CFR Part 1613]

RESTRICTIONS ON LEGAL ASSISTANCE WITH RESPECT TO CRIMINAL PROCEEDINGS

The Legal Services Corporation ("the Corporation") was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. 2996-2996i ("the Act"), for the purpose of providing financial support for legal assistance in non-criminal pro-

"two members or representatives of the group [must] establish their own eligibility by furnishing the information required by the form referred to in § 1611.6(a)." Although this requirement was deleted at the request of the Board of Directors, the Corporation invites comment on the advisability of including such a requirement.