

LOW INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP)

DETAILED MODEL PLAN

PUBLIC LAW 97-35, AS AMENDED

FISCAL YEAR (FY) 2011

GRANTEE STATE OF WISCONSIN

EIN: 39-6028867

**ADDRESS Wisconsin Department of Administration
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PLEASE CHECK ONE: TRIBE _____ STATE X INSULAR AREA _____

**Department of Health and Human Services
Administration for Children and Families
Office of Community Services
Washington, DC 20447**

**August 1987, revised 05/92, 02/95, 03/96, 12/98, 11/01
OMB Approval No. 0970-0075
Expiration Date: 09/30/2011**

THE PAPERWORK REDUCTION ACT OF 1995 (Pub. L. 104-13)

Use of this model plan is optional. However, the information requested is required in order to receive a Low Income Home Energy Assistance Program (LIHEAP) grant in years in which the grantee is not permitted to file an abbreviated plan. Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, gathering and maintaining the data needed, and reviewing the collection of information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Assurances

The STATE OF WISCONSIN agrees to:
(Grantee Name)

(1) use the funds available under this title to--

(A) conduct outreach activities and provide assistance to low income households in meeting their home energy costs, particularly those with the lowest incomes that pay a high proportion of household income for home energy, consistent with paragraph (5);

(B) intervene in energy crisis situations;

(C) provide low-cost residential weatherization and other cost-effective energy-related home repair; and

(D) plan, develop, and administer the State's program under this title including leveraging programs,

and the State agrees not to use such funds for any purposes other than those specified in this title;

(2) make payments under this title only with respect to--

(A) households in which one or more individuals are receiving--

(i) assistance under the State program funded under part A of title IV of the Social Security Act;

(ii) supplemental security income payments under title XVI of the Social Security Act;

(iii) food stamps under the Food Stamp Act of 1977; or

(iv) payments under section 415, 521, 541, or 542 of title 38, United States Code, or under section 306 of the Veterans' and Survivors' Pension Improvement Act of 1978; or

(B) households with incomes which do not exceed the greater of—

(i) an amount equal to 150 percent of the poverty level for such State; or

(ii) an amount equal to 60 percent of the State median income;

except that a State may not exclude a household from eligibility in a fiscal year solely on the basis of household income if such income is less than 110 percent of the poverty level for such State, but the State may give priority to those households with the highest home energy costs or needs in relation to household income.

(3) conduct outreach activities designed to assure that eligible households, especially households with elderly individuals or disabled individuals, or both, and households with high home energy burdens, are made aware of the assistance available under this title, and any similar energy-related assistance available under subtitle B of title VI (relating to community services block grant program) or under any other provision of law which carries out programs which were

administered under the Economic Opportunity Act of 1964 before the date of the enactment of this Act;

(4) coordinate its activities under this title with similar and related programs administered by the Federal Government and such State, particularly low-income energy-related programs under subtitle B of title VI (relating to community services block grant program), under the supplemental security income program, under part A of title IV of the Social Security Act, under title XX of the Social Security Act, under the low-income weatherization assistance program under title IV of the Energy Conservation and Production Act, or under any other provision of law which carries out programs which were administered under the Economic Opportunity Act of 1964 before the date of the enactment of this Act;

(5) provide, in a timely manner, that the highest level of assistance will be furnished to those households which have the lowest incomes and the highest energy costs or needs in relation to income, taking into account family size, except that the State may not differentiate in implementing this section between the households described in clauses 2(A) and 2(B) of this subsection;

(6) to the extent it is necessary to designate local administrative agencies in order to carry out the purposes of this title, to give special consideration, in the designation of such agencies, to any local public or private nonprofit agency which was receiving Federal funds under any low-income energy assistance program or weatherization program under the Economic Opportunity Act of 1964 or any other provision of law on the day before the date of the enactment of this Act, except that—

(A) the State shall, before giving such special consideration, determine that the agency involved meets program and fiscal requirements established by the State; and

(B) if there is no such agency because of any change in the assistance furnished to programs for economically disadvantaged persons, then the State shall give special consideration in the designation of local administrative agencies to any successor agency which is operated in substantially the same manner as the predecessor agency which did receive funds for the fiscal year preceding the fiscal year for which the determination is made;

(7) if the State chooses to pay home energy suppliers directly, establish procedures to --

(A) notify each participating household of the amount of assistance paid on its behalf;

(B) assure that the home energy supplier will charge the eligible household, in the normal billing process, the difference between the actual cost of the home energy and the amount of the payment made by the State under this title;

(C) assure that the home energy supplier will provide assurances that any agreement entered into with a home energy supplier under this paragraph will contain provisions to assure that no household receiving assistance under this title will be treated adversely because of such assistance under applicable provisions of State law or public regulatory requirements; and

(D) ensure that the provision of vendor payments remains at the option of the State in consultation with local grantees and may be contingent on unregulated vendors taking appropriate measures to alleviate the energy burdens of eligible households, including providing for agreements between suppliers and individuals eligible for benefits under this Act that seek to reduce home energy costs, minimize the risks of home energy crisis, and encourage regular payments by individuals receiving financial assistance for home energy costs;

(8) provide assurances that,

(A) the State will not exclude households described in clause (2)(B) of this subsection from receiving home energy assistance benefits under clause (2), and

(B) the State will treat owners and renters equitably under the program assisted under this title;

(9) provide that--

(A) the State may use for planning and administering the use of funds under this title an amount not to exceed 10 percent of the funds payable to such State under this title for a fiscal year; and

(B) the State will pay from non-Federal sources the remaining costs of planning and administering the program assisted under this title and will not use Federal funds for such remaining cost (except for the costs of the activities described in paragraph (16));

(10) provide that such fiscal control and fund accounting procedures will be established as may be necessary to assure the proper disbursement of and accounting for Federal funds paid to the State under this title, including procedures for monitoring the assistance provided under this title, and provide that the State will comply with the provisions of chapter 75 of title 31, United States Code (commonly known as the "Single Audit Act");

(11) permit and cooperate with Federal investigations undertaken in accordance with section 2608;

(12) provide for timely and meaningful public participation in the development of the plan described in subsection (c);

(13) provide an opportunity for a fair administrative hearing to individuals whose claims for assistance under the plan described in subsection (c) are denied or are not acted upon with reasonable promptness; and

(14) cooperate with the Secretary with respect to data collecting and reporting under section 2610.

(15) * beginning in fiscal year 1992, provide, in addition to such services as may be offered by State Departments of Public Welfare at the local level, outreach and intake functions for crisis situations and heating and cooling assistance that is administered by additional State and local governmental entities or community-based organizations (such as community action

agencies, area agencies on aging and not-for-profit neighborhood-based organizations), and in States where such organizations do not administer functions as of September 30, 1991, preference in awarding grants or contracts for intake services shall be provided to those agencies that administer the low-income weatherization or energy crisis intervention programs.

*** This assurance is applicable only to States, and to territories whose annual regular LIHEAP allotments exceed \$200,000. Neither territories with annual allotments of \$200,000 or less nor Indian tribes/tribal organizations are subject to Assurance 15.**

(16) use up to 5 percent of such funds, at its option, to provide services that encourage and enable households to reduce their home energy needs and thereby the need for energy assistance, including needs assessments, counseling, and assistance with energy vendors, and report to the Secretary concerning the impact of such activities on the number of households served, the level of direct benefits provided to those households, and the number of households that remain unserved.

Certification to the Assurances: As Chief Executive Officer, I agree to comply with the sixteen assurances contained in Title XXVI of the Omnibus Budget Reconciliation Act of 1981, as amended.* By signing these assurances, I also agree to abide by the standard assurances on lobbying, debarment and suspension, and a drug-free workplace.

Signature of the Tribal or Board Chairperson or Chief Executive Officer of the State or Territory.**

Signature: _____

Title: Secretary, WI Department of Administration

Date: _____

*** Indian tribes/tribal organizations, and territories with annual regular LIHEAP allotments of \$200,000 or less, are not subject to assurance 15, and thus must only certify to 15 assurances.**

**** If a person other than the Chief Executive Officer of the State or territory, or Tribal Chairperson or Board Chairperson of a tribal organization, is signing the certification to the assurances, a letter must be submitted delegating such authority. (PLEASE ATTACH DELEGATION of AUTHORITY.) The delegation must include authority to sign the assurances, not just to administer the program.**

***** HHS needs the EIN (Entity Identification Number) of the State, territory or Tribal agency that is to receive the grant funds before it can issue the grant.**

In the above assurances which are quoted from the law, "State" means the 50 States, the District of Columbia, an Indian Tribe or Tribal Organization, or a Territory; "title" of the Act refers to Title XXVI of the Omnibus Budget Reconciliation Act of 1981 (OBRA), as amended, the "Low Income Home Energy Assistance Act"; "section" means Section 2605 of OBRA; and, "subsection" refers to Section 2605(b) of OBRA.

GRANTEE: STATE OF WISCONSIN
2605(c)(1)(C)

FFY 2011

→ The funds reserved for winter crisis assistance that have not been expended by March 15 will be reprogrammed to:

(alternate use
of crisis assistance
funds)

- heating assistance
 cooling assistance
 weatherization assistance
 Other(specify): Continue to use for Crisis Assistance

A portion of crisis assistance funds may be reserved by the State for later distribution to insure adequate crisis assistance throughout the heating season. Funds not used for crisis emergencies during the heating season may be used for crisis proactive services after May 15. Funds not expended in FFY 2010 will be allocated for expenditure as heating benefits in FFY 2011.

→ Do you accept applications for energy crisis assistance at sites that are geographically accessible to all households in the area to be served? (This is required by the statute.)

Yes No

2605(b)(2)
2605(c)(1)(A)

→ What are your maximum eligibility limits?
(Please check the components to which they apply.)
Current year guidelines must be used.

(eligibility)

- 150% of the poverty guidelines:
heating cooling crisis wx
 125% of the poverty guidelines:
heating cooling crisis wx
 110% of the poverty guidelines:
heating cooling crisis wx
 60% of the State's median income:
heating cooling crisis wx

Sixty percent of the State's median income is also the financial eligibility guideline used, by the state, for reporting of utility and charitable home heating/weatherization programs included in the LIHEAP leveraging report activities.

Other (specify for each component)

Financial eligibility will be determined from gross income in relation to household size for the three calendar months preceding the month in which the application is made, except for self-employed and seasonal workers who will be tested using 12 months. Court-ordered support for children will be deducted from income if paid in the covered three month period. Earned income from household members under age 18 will be ignored in determining household income.

Crisis

Financial eligibility for crisis assistance will be based on an eligible heating assistance application at any point during the heating season; or, alternately, may be based on the present or prior month's income in emergencies. Crisis assistance may include cooling measures.

_____ Households automatically eligible if one person is receiving _____ TANF, _____ SSI, _____ Food Stamps, _____ Certain means-tested veterans programs (heating _____ cooling _____ crisis _____ wx _____)

Categorical Eligibility - Households which are composed entirely of persons receiving Supplemental Security Income (SSI), Temporary Assistance to Needy Families (TANF), or Food Stamps (FS) for the previous three months will be deemed to be income eligible. (heating X, crisis X, weatherization X)

statutory
references

2605(c)(1)(A)
2605(b)(2)
(eligibility)

→Do you have additional eligibility requirements for:
HEATING ASSISTANCE X Yes _____ No)

→Do you use: Yes No
Assets test? _____ X

→Do you give priority in eligibility to:

Elderly? X _____

Disabled? X _____

Young children? X _____

Other: _____
(If Yes, please describe)

There is no differentiation in the formula for calculating benefits however; funds are allocated specifically to allow for outreach to vulnerable households including those with elderly, disabled or young children as residents. These households are encouraged and assisted to apply for LIHEAP benefits.

Non-financial eligibility for heating assistance will depend on the existence of an energy burden, i.e. responsibility for the costs of home energy. Applicants not eligible because they do not have an energy burden will include residents of government assisted housing (including subsidized housing) with heating included in the cost of rent. Except that cooling devices such as fans and air conditioners may be made available in such situations. Additionally, residents of medical or correctional institutions, some group living arrangements and some post secondary school students do not meet the non-financial eligibility criteria.

No household will be eligible for payment under the heating assistance program until the social security number or proof that a number has been applied for is provided for each household member.

A household may receive only one heating assistance benefit for each heating season, except:

If projected circumstances change (for example, significant increase in the cost of home heating fuel or additional federal funds become available), supplemental heating assistance benefits may be paid to eligible households statewide. If a portion of federal funds is delayed, heating assistance benefits may be delayed or partially paid.

If the household has received the WHEAP FoodShare benefit payment, it can become eligible for a full regular heating benefit by applying for heating assistance.

statutory
references

2605(c)(1)(A)

2605(b)(2)

(eligibility)

→ Do you have additional eligibility requirements for:

COOLING ASSISTANCE (___ Yes ___X___ No)

→ Do you use:

Assets test?

Yes

No

→ Do you give priority in eligibility to:

Elderly?

Disabled?

Young children?

Other:

(If Yes, please describe)

2604(c)
2605(c)(1)(A)

→Do you have additional eligibility requirements for:
CRISIS ASSISTANCE (X Yes ___ No)

(eligibility)

	<u>Yes</u>	<u>No</u>
→Do you use: Assets test?	_____	<u>X</u>
Must the household have received a shut-off notice or have an empty tank?	_____	<u>X</u>
Must the household have exhausted regular benefit?	_____	<u>X</u>
Must the household have received a rent eviction notice?	_____	<u>X</u>
Must heating/cooling be medically necessary?		
Heating	_____	<u>X</u>
Cooling	<u>X</u>	_____
Other (Please explain):	<u>X</u>	_____

Households will be expected to have paid at least \$25 towards their heating costs in the six months prior to applications for crisis assistance.

→What constitutes a crisis? (Please describe)

Household must have existing/imminent lack of adequate heat/cooling in dwelling (emergency), or a risk of a heating emergency (proactive). While there is not a formal asset test, consideration may be given to resources available to the household before assistance is provided.

A household may receive more than one crisis assistance payment.

Determination of eligibility for regular heating assistance benefits will determine a household eligible for crisis assistance for the remainder of the program period if the household has contributed \$25 or more towards their heating costs in the six months prior to applications.

statutory
references

2605(c)(1)(A)

→Do you have additional eligibility requirements for:
WEATHERIZATION (X Yes ___ No)

→Do you use: Yes No
Assets test? _____ X
Priority groups? (Please list) X _____

There is an automatic referral to weatherization agencies of eligible households, households having received emergency furnace repairs or replacements, and households including elderly, young children, or handicapped persons.

→Are you using Department of Energy (DOE) Low Income Weatherization Assistance Program (LIWAP) rules to establish eligibility or to establish priority eligibility for households with certain characteristics? X _____

→If Yes, are there exceptions? X _____
Please list below.

Non-financial eligibility for weatherization will be the same as for heating assistance. There will also be an evaluation of the dwelling unit eligibility.

DOE guidelines will be used for weatherization services. LIHEAP funds will allow the services of these programs to be provided to additional LIHEAP eligible households and to be more comprehensive in the scope of work performed.

LIHEAP crisis assistance eligible households may receive furnace repair/replacement to alleviate an emergency resulting from a defective or inoperable heating unit without regard to DOE regulations.

statutory
references

2605(b)(3)
2605(c)(3)(A)

(outreach)

→Please check the outreach activities that you conduct that are designed to assure that eligible households are made aware of all LIHEAP assistance available:

X provide intake service through home visits or by telephone for the physically infirm (i.e. elderly or disabled).

X place posters/flyers in local and county social service offices, offices of aging, Social Security offices, VA, etc.

X publish articles in local newspapers or broadcast media announcements.

include inserts in energy vendor billings to inform individuals of the availability of all types of LIHEAP assistance.

make mass mailing to past recipients of LIHEAP.

inform low income applicants of the availability of all types of LIHEAP assistance at application intake for other low-income programs.

execute interagency agreements with other low-income program offices to perform outreach to target groups.

other (Please specify):

Allocate funds specifically for the purpose of outreach to households with elderly, disabled, rural poor, and/or young children residing in them.

An early application period will be utilized prior to the heating season. This process includes accepting applications during the summer for the following Federal Fiscal Year from targeted households.

Accept applications for energy assistance at sites geographically accessible to all households in the area to be served. This includes setting up LIHEAP application sites for targeted households (contacting targeted persons or their representatives to ascertain convenient times and places, contacting community leaders to locate and serve application sites, providing information on alternate sites to organizations/programs likely to reach targeted persons, contacting targeted persons to arrange application appointments, transportation, etc.).

Provide information directly or by selective mailing to targeted applicants, e.g., assistance to understand the application form, translation of material, interpretation services for deaf, reading for blind.

Assist targeted applicants to gather needed documentation e.g., sorting documents, explaining what is needed.

Facilitate access to state weatherization programs targeted to LIHEAP eligible households and other energy-related services e.g., utility early identification and emergency intervention.

Generate and use computerized application information for some households that received heating assistance last year.

Counties and tribal agencies are required to provide outreach services to maximize participation of eligible persons in the Low Income Home Energy Assistance Program. It is the responsibility of each county/tribe to provide application sites accessible to the eligible population in the county/tribe, with particular attention to overcoming barriers for targeted households. Outreach client benefits include: taking applications,

certifying application information, and processing applications at an alternate site.

statutory
references

2605(b)(4)

→ Please describe how you will assure that LIHEAP is coordinated with similar and related programs. The description provided applies to all components unless specifically noted.

(coordination)

Wisconsin administers LIHEAP, DOE, and weatherization programs through the same state office, the Department of Administration, Division of Energy Services. LIHEAP is coordinated at the state level with income maintenance programs through agreements and data collection/sharing with the Department of Children and Families (DCF) and Department of Health Services (DHS). DCF operates the Temporary Assistance to Needy Families (TANF), W-2, including the jobs and welfare to work program as well as other assistance programs. DHS operates FoodShare (SNAP).

Wisconsin coordinates with its FoodShare (SNAP) program to provide a token benefit which is intended to encourage FoodShare recipients to apply for full regular heating benefits and to enable increasing the size of the FoodShare benefit recipients are eligible to receive.

Beginning in the FY2001 program Public Benefits funds were used to make payments to eligible recipients. Public Benefit funds are fully integrated into the Wisconsin Home Energy Assistance Program, WHEAP.

Coordination between the state and local level is achieved by including representation from a variety of private and government agencies interested in energy services and/or services for low-income persons on the Low Income Energy Advisory Committee (LIEAC).

Local service providers are expected to coordinate their programs with each other, with utility-operated programs and with other government and nonprofit programs operated within their local area. Local service providers are required to develop a local coordination plan annually to show what is being done to coordinate with weatherization agencies, fuel providers (utility and bulk fuels), and other local groups.

2605(b)(5)

2605(b)(2)

2605(b)(8A)

→ The statute requires that there be no difference in the treatment of households eligible because of their income and those eligible because they receive benefits under TANF, Food Stamps, SSI, or certain means-tested veterans programs ("categorically eligible"). How do you ensure there is no difference when determining eligibility and benefit amounts? This applies to all components unless specifically noted below.

(benefit
levels)

All households at or below 60% of the state median income will be eligible for benefits calculated in the same manner, regardless of whether there is a household member who receives categorical assistance or not. Households entirely composed of persons receiving Supplemental Security Income (SSI), TANF, or Food Stamps will be deemed to be income eligible, i.e. the benefit for a categorically eligible household will be calculated using sixty percent of state median income when household's income is greater than sixty percent.

This is not an ongoing entitlement program; payments are made subject to the availability of federal funds. Payments may be suspended, reduced or terminated if federal funds are insufficient to maintain payments through the scheduled termination date of the program.

statutory
references

HEATING COMPONENT

2605(b)(5) → Please check the variables you use to determine your benefit levels (check all that apply):
(determination of benefits)

- income
 family (household) size
 home energy cost or need
 fuel type
 climate/region
 individual bill
 dwelling type
 energy burden
 (% of income spent on home energy)
 energy need
 other (describe)

2605(b)(5)
2605(c)(1)(B) → Describe how you will assure that the highest benefits go to households with the lowest incomes and the highest energy costs or needs in relation to income, taking into account family size.
(benefit levels) Please describe benefit levels or attach a copy of your payment matrix.

Heating assistance benefits will be paid based on a sliding scale benefit structure. The highest amount of assistance will be provided to those households with the highest annual home heating costs and the lowest incomes. Heating assistance benefits will be calculated from a formula and will depend on the household's poverty level (income and household size) and past home heating costs such that:

- A household at 60% of the state median income will receive a lower benefit than a household at 100 percent of the federal poverty level when both have the same home heating costs; and,

- A household with low home heating costs will receive a lower benefit than a household with high heating costs when both are at the same poverty level.

Total home heating costs for households who directly pay a fuel dealer will be utilized to calculate benefits. Payments will be based on household energy costs, including baseload, with the heating portion of the costs normalized for weather.

One heating assistance benefit, up to a maximum of \$1200, at the rate that is appropriate at the date of application, will be determined for an entire heating season. However, the benefit may be received in two or more payments if circumstances considered in determining the benefit payment formula change, if additional federal funds are received or if federal funding is delayed.

➔Do you provide in-kind (e.g., blankets, space heaters) and/or other forms of benefits?

___ Yes X No If Yes, please describe.

statutory references

2605(b)(5)
2605(c)(1)(B)

COOLING COMPONENT

➔Please check the variables you use to determine your benefit levels (check all that apply):

(determination of benefits)

- ___ income
- ___ family (household) size
- ___ home energy cost or need
- ___ fuel type
- ___ climate/region
- ___ individual bill
- ___ dwelling type
- ___ energy burden
(% of income spent on home energy)
- ___ energy need
- ___ other (describe)

2605(b)(5)
2605(c)(1)(B)

(benefit levels)

➔Describe how you will assure that the highest benefits will go to households with the lowest incomes and the highest energy costs or needs in relation to income, taking into account family size. Please describe benefit levels or attach a copy of your payment matrix.

➔Do you provide in-kind (e.g. fans) and/or other forms of benefits?

Yes No If Yes, please describe.

statutory references

2605(b)(5)

2605(c)(1)(B)

(determination of benefits)

CRISIS COMPONENT

➔How do you handle crisis situations?

separate component other (please explain)

➔If you have a separate component, how do you determine crisis assistance benefits?

amount to resolve crisis, up to maximum

other (please describe)

Crisis emergency benefits will be determined based on the minimum required to meet the immediate threat to health and safety up to a maximum of \$1,200 per heating season (furnace repairs and replacements are not included in the maximum amount). Other resources available to the household are considered in determining benefit levels. Crisis heating emergency services may include emergency fuel delivery, furnace repair/replacement, education on energy conservation measures, and budget counseling. Crisis cooling emergency services may include room air conditioner repair/purchase, fans, education on energy conservation measures, or budget counseling.

No household will be eligible for crisis cooling assistance without a declaration by a local or state public health agency of a heat emergency and authorization is given by the Department of Administration.

Determination of a threat to health or safety of an eligible household is based on four factors: expected low temperature, condition of the dwelling unit (habitable, operable furnace, etc.), presence of vulnerable persons (persons with medical need for heat -- elderly, handicapped, children under six, etc.), and alternatives available to the household (place for temporary relocation, etc.) Medical need for heat and/or cooling may be considered in determining the presence of an emergency for vulnerable persons, including households with young children, handicapped and/or elderly persons. The presence of vulnerable persons may affect the amount and type of benefit provided to the household.

Proactive services and payments will be provided to prevent the occurrence of emergencies. Examples of proactive crisis heating and cooling assistance services provided to clients are budget counseling, co-payment plans, and energy conservation counseling.

Counties and tribes and their subcontractors will be required to provide some form of assistance to resolve home heating energy emergency situations within 48 hours of application and within 18 hours in a life-threatening situation in eligible households. This is not to be construed as requiring the issuance of a benefit payment within the above specified time period.

(benefit levels)

➔ Please indicate the maximum benefit for each type of crisis assistance offered.

heating \$ * maximum benefit
 cooling \$ * maximum benefit
 year-round \$ 1,200* maximum benefit

*An annual maximum is set by the state at \$1,200; local providers determine the amount of the crisis assistance benefit based on the minimum necessary to alleviate the crisis situation. In extraordinary circumstances the state allows exceptions to be made above the annual maximum.

➔ Do you provide in-kind (e.g. blankets, space heaters, fans) and/or other forms of benefits?

Yes No If Yes, please describe.

In-kind benefits may be provided as determined necessary by local LIHEAP providers in accordance with the above procedure.

statutory references

2605(b)(5)
 2605(c)(1)
 (B) & (D)

WEATHERIZATION & OTHER ENERGY RELATED HOME REPAIR AND IMPROVEMENTS

➔ What LIHEAP weatherization services/materials do you provide? (Check all categories that apply.)

(types of assistance)

Weatherization needs assessments/audits.
 Caulking, insulation, storm windows, etc.
 Furnace/heating system modifications/repairs
 Furnace replacement
 Cooling efficiency mods/repairs/replacement
 Other (Please describe)

Refrigerators, freezers, water heaters, CFLs, water saving faucet aerators and shower heads.

(benefit levels)

→ Do you have a maximum LIHEAP weatherization benefit/expenditure per household? _____ Yes X No

If Yes, what is the maximum amount? \$ _____

→ Under what rules do you administer LIHEAP weatherization? (Check only one.)

(types of rules)

_____ Entirely under LIHEAP (not DOE) rules

_____ Entirely under DOE LIWAP rules

X Mostly under LIHEAP rules with the following DOE LIWAP rule(s) where LIHEAP and LIWAP rules differ (Check all that apply):

X Weatherize buildings if at least 66% of units (50% in 2- & 4-unit buildings) are eligible units or will become eligible within 180 days

X Weatherize shelters temporarily housing primarily low income persons (excluding nursing homes, prisons, and similar institutional care facilities).

_____ Other (Please describe)

_____ Mostly under DOE LIWAP rules, with the following LIHEAP rule(s) where LIHEAP and LIWAP rules differ (Check all that apply.)

_____ Weatherization not subject to DOE LIWAP maximum statewide average cost per dwelling unit.

_____ Other (Please describe.)

2605(b)(6) The state or tribe administers LIHEAP through the following local agencies:

(agency designation)

X county welfare offices

X community action agencies (weatherization component only)

X community action agencies (heating, cooling or crisis

X charitable organizations

X not applicable (i.e. state energy office)

X tribal office

_____ other, describe:

→ Have you changed local administering agencies from last year?

_____ Yes X No

If Yes, please describe how you selected them.

→ What components are affected by the change?

2605(c)(1)(E) → Please describe any additional steps (other than those described elsewhere in this plan) that will be taken to target assistance to households with high home energy burdens. (This applies to all components. If all steps to

target households with high home energy burdens are described elsewhere in the plan, no further information is required here.)

(targeting of assistance)

statutory references

2605(b)(7) (energy suppliers) → Do you make payments directly to home energy suppliers?

Heating	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No
Cooling	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
Crisis	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No

If Yes, are there exceptions? Yes No
If Yes, please describe.

Households that heat entirely with wood, and non-subsidized renters whose heat is included in rent receive a single party check sent directly to the household.

2605(b)(7)(A) → If you make payments directly to home energy suppliers, how do you notify the client of the amount of assistance paid? (Please describe)

A payment notification is generated and sent to the client, indicating the amount of the payment and the vendor to whom the payment was made, at the time the LIHEAP payment is sent to the vendor.

Households receiving weatherization and/or energy related repairs receive a written statement of work to be performed.

2605(b)(7) (B) & (C)

→ How do you make sure the home energy supplier performs what is required in this assurance? If vendor agreements are used, they may be attached. Indicate each component for which this description applies.

The Department of Administration requires vendors to register for participation in the heating assistance program. To register, fuel suppliers agree that clients will be: treated equally with non-LIHEAP households, not be adversely affected, e.g., the eligible household will be charged in the supplier's normal billing process, the price charged will be the price normally charged non-eligible households, invoices will clearly indicate the amount and cost of home energy provided, and no discrimination will occur against eligible households with respect to terms, deferred payment plans, credit, conditions of sales or discounts offered other home energy customers.

The state may purchase fuel in bulk or pre-purchase fuel for benefits in the current or the following heating season. Fuel suppliers participating in the pre-purchase of heating fuel will be required to have signed agreements

with the state. The Department can terminate the registration of any vendor found not in compliance with the agreement.

Crisis assistance fuel payments are made primarily to vendors registered for heating assistance. In addition to signing assurances guaranteeing that LIHEAP clients will be treated equally with non-LIHEAP households and will not be adversely affected, registered vendors are required to provide information on costs and procedures for emergency fuel delivery.

Energy related home repair and weatherization purchases made by LIHEAP weatherization providers follow appropriate state or federal procurement guidelines and applicable material standards.

statutory references

2605(b)(8)(B)

→Is there any difference in the way owners and renters are treated? If Yes, please describe.

(owners and renters)

HEATING ASSISTANCE

_____ Yes X No

COOLING ASSISTANCE

_____ Yes _____ No

CRISIS ASSISTANCE

_____ Yes X No

Crisis assistance will be supplied to both renters and homeowners. Whether a household rents or owns their dwelling will not be a basis for determining eligibility. Renters will not be eligible for emergency furnace replacements because the provision of heating equipment is the responsibility of the landlord. However, crisis assistance may include repair of the heating/cooling equipment, the purchase of a room air conditioner (in conjunction with a medical statement of need) and/or advocacy with the landlord on behalf of the client, or assistance to relocate.

WEATHERIZATION

_____ Yes X No

Weatherization assistance will be supplied to both renters and homeowners. Whether a household rents or owns their dwelling will not be a basis for determining eligibility. Rental status and landlord responsibility and cooperation may affect the kind or level of benefits provided.

statutory

2605(b)(10)

→How do you ensure good fiscal accounting and tracking of LIHEAP funds? (Please describe. Include a description of how you monitor fiscal activities.)

Tracking of LIHEAP funds is accomplished through an on-line, computerized database. Benefits cannot be generated without entry to the database. All heating and crisis benefits details are stored in the database. Local contract agencies also claim their expenditures on-line through the database system. The LIHEAP system interfaces with the overall state accounting system "WISMART". The state accounting system generates appropriate payments and tracks cumulative expenditures.

All expenditures are monitored by both the LIHEAP program area, and the accounting section of the Department of Administration, for propriety and accuracy. Generally accepted accounting principles are practiced by the state and built into the state accounting system.

The state will not use, for purposes of administration, funds under this title that exceed ten percent of the funds payable for a fiscal year.

Administrative costs for the purposes of this program are defined as follows: the general costs associated with administering the LIHEAP Block Grant funds, including both direct and indirect costs, the costs for planning and issuing benefits. Outreach services are included in client benefit costs and include alternate intake and the taking of applications and determination of eligibility incidental to outreach.

(program,
fiscal
monitoring,
and audit)

→How do you monitor program activities? (Please be sure to include a description of how you monitor eligibility and benefit determination.)

The Department of Administration or its designee on an ongoing basis will review reports of payment records and other data from counties and tribal agencies. The Department of Administration or its designee will base payment of allocations to local programs on receipt of properly completed reports. The Department of Administration reviews selected facets of the applications to assure policies and procedures are being followed. In addition, the Department of Administration will monitor local program compliance with agency and case reviews. Where it seems appropriate the Department of Administration will conduct site visits to review local agency (county/tribe) procedures and activities. The Department of Administration conducts site visits to at least 20% of agencies each year.

→How is your LIHEAP program audited?

Under the Single Audit Act? Yes No

If not, please describe:

The Low Income Home Energy Assistance Program is included in Wisconsin's single state audit performed annually by the Wisconsin Legislative Audit Bureau.

For States and Territories:

➔ Is there an annual audit of local administering agencies? Yes No
If not, please explain.

LIHEAP is included as a major program in the state's single audit, performed annually by the Wisconsin Legislative Audit Bureau. All of Wisconsin's LIHEAP sub-grantees are also audited under the Single Audit Act. Sub-grantee's audits are reconciled and reviewed annually by the accounting section of the Department of Administration.

statutory
references

2605(b)(12)

(timely and
meaningful
public
partici-
pation)

➔ How did you get timely and meaningful public participation in the development of the plan? (Please describe.)

Meetings were held with local LIHEAP staff, weatherization staff, utility representatives, and some other interested groups at a low-income energy programs training conference on February 23-4, 2010. All local service agencies were requested to have a representative at the session. During the session suggestions were requested for LIHEAP policy and program changes.

A draft document was available for review starting _____ on the Wisconsin Home Energy Plus web site to provide a central location for the public and other parties to review the plan.

The Low Income Energy Advisory Committee (LIEAC) is a citizen's advisory committee appointed to make recommendations on the LIHEAP policies and programs. The committee consists of 16 citizens representing various interests and various areas of the State. This Committee met on August 10, 2010 to review and comment on the draft plan for FY2011 and the comments received at the public meeting.

2605(a)(2)

➔ Did you conduct public hearings on the proposed use and distribution of your LIHEAP funds? When and where?

Yes No

(Not required for Tribes and tribal organizations)(public
hearings)

A public meeting to receive comments and input on the FFY 2011 LIHEAP Block Grant Plan was held on July 30, 2010 in the Conference Room 6F of the Department of Administration Building, 101 E. Wilson Street, Madison, Wisconsin from 10:00 a.m. to 11:30 am.

statutory
references

2605(b)(13)

→ Describe your fair hearing procedures for households whose applications are denied or not acted on in a timely manner. When are applicants informed of these rights?

(fair
hearings)→ Denials→ Applications Not Acted On In a Timely Manner

Households which are denied heating assistance, crisis assistance or weatherization assistance or which have not received response to an application within a reasonable time will have the opportunity for an appeal. All heating and crisis assistance applicants will be notified of their right to appeal when they complete an application (appeal information is a detachable page in the application form and may be printed on line). The state or local operating agency will provide a fair hearing within 60 days of receiving a request. Hearings will be at a time and place convenient to the appellant. Applicants for weatherization assistance only will be notified of their right to appeal, and the process to make an appeal, when they are notified of the determination they are ineligible.

Reasonable time from completed application to response (assistance, notification of eligibility or notification of denial) will be 45 days for heating assistance, 30 days for crisis assistance, and 45 days for weatherization assistance. Exceptions to these time periods may result when there are delays in funding availability due to lack of congressional appropriations, when heating assistance applications are taken during the summer for the following heating season (early start-up), etc.

statutory
references

2605(b)(15)

For States and Puerto Rico only (not applicable to Tribes and tribal organizations, or to territories whose annual regular LIHEAP allotments are \$200,000 or less):

→ Does the State agency that administers the following LIHEAP component also administer the State's welfare program?

(alternate
outreach
and intake)

HEATING ASSISTANCE

_____ Yes X No

If Yes, describe alternate process for outreach and intake:

COOLING ASSISTANCE

_____ Yes X No

If Yes, describe alternate process for outreach and intake:

CRISIS ASSISTANCE

_____ Yes X No

If Yes, describe alternate process for outreach and intake:

statutory
references

2605(b)(16)

→ Do you use LIHEAP funds to provide services that encourage and enable households to reduce their home energy needs and thereby the need for energy assistance? (This assurance refers to activities such as needs assessments, counseling, and assistance with energy vendors.)

X Yes _____ No

If Yes, please describe these activities.

The State of Wisconsin may, through contract with local LIHEAP providers and/or under contract with the Wisconsin Community Action Program and/or through arrangements with other service providers engage in the following activities:

1. Budget counseling, energy conservation training, co-payment agreements, advocacy with fuel suppliers, household energy assessments and referrals.
2. Support for services provided by leveraged funds. These services will include those provided under regular crisis assistance, but only when non-federal funds are used toward co-payments, etc.

- 3 . Intensive case management targeted to households selected from those as "high heating costs compared to household income" and "high heating costs for dwelling type.
- 4 . Educational classes may be offered through third party contract agencies, utilities, state staff, or other qualified individuals.

If Yes, how do you ensure that you don't use more than 5% (statutory ceiling) of your LIHEAP funds for these activities?

Funds used for this purpose will be allocated by contract and will not exceed five percent of the LIHEAP funds available to the State of Wisconsin.

statutory
references

2607A
(leveraging)

→ Please describe leveraging activities planned for the fiscal year. (**This entry is optional.***) Complete this entry if you plan to apply for LIHEAP leveraging incentive funds and to include in your leveraging report resources/benefits provided to low income households this fiscal year under criterion (iii) in 45 CFR 96.87(d)(2). Provide the following information for each:

- (1) Identify and described each resource/benefit;
- (2) Identify the source(s) of each resource; and
- (3) Describe the integration/coordination of each resource/benefit with the LIHEAP program, consistent with 1 or more of conditions A-H in 45 CFR 96.87(d)(2)(iii).

* Leveraged resources/benefits that are counted under criterion (iii) in 45 CFR 96.87(d)(2) must be identified and described in the grantee's LIHEAP plan and distributed as indicated in the plan. In addition, leveraging resources/benefits that are counted under criterion (ii) must be carried out under one or more components of the grantee's regular LIHEAP program.

The 1999-01 Wisconsin State Budget, Wisconsin Act 9 s.16.957 Utility Public Benefits, contains a new public utility initiative referred to as "Reliability 2000". Included in the Reliability 2000 initiative is "Public Benefits", which charges the Department of Administration with the creation of comprehensive low-income and energy public benefit programs. The Wisconsin LIHEAP program works in conjunction with Wisconsin LIWAP program to assist households at or below 60% state median income. Public Benefit funds are paid to eligible households, in effect increasing the benefit amount.

* Leveraged resources/benefits that are counted under criterion (iii) in 45 CFR 96.87(d)(2) must be identified and described in the grantee's LIHEAP plan and distributed as indicated in the plan. In addition, leveraging resources/benefits that are counted under criterion (ii) must be carried out under one or more components of the grantee's regular LIHEAP program.

The State of Wisconsin, per Wis. Stat. 196.374, required Class A gas and electric utilities to spend funds on programs designed to promote and accomplish energy assistance or energy conservation activities. The "Reliability 2000" legislation requires those utilities to turn those funds into the Public Benefits Fund. The statute authorizes the Public Service Commission to prescribe the programs to be funded and specifies that low-income utility consumers must be included. Municipal and cooperative utilities (non-Class A) were provided options to participate in the state Public Benefits Fund or operate a Commitment to Community Program they designed. Programs covered under this law include weatherization, conservation services, and to assist low-income households with the costs of their fuel bills.

The Wisconsin LIHEAP program had an active, substantive, and significant role in the development of the "Reliability 2000" statutory requirements. The legislation provides that the 1998 level of utility funding for weatherization and bill assistance programs targeted at low-income to be transferred to the Public Benefits fund administered by the Department.

Contributions include those from landlords for weatherization services provided to LIHEAP eligible low-income households residing in a rental dwelling unit. Contributions are 15% or less of the total cost of the weatherization.

Weatherization and/or Energy Conservation Measures

Pursuant to Wis. Stat. 196.374, the Public Service Commission of the State of Wisconsin augments low-income energy assistance resources by mandating Class A utilities to fund weatherization programs for low-income households financed through utility rates, and turn the funds over to the Public Benefits Fund. These services are provided to households that meet the federal income guidelines for LIHEAP. To receive weatherization households must be eligible for the LIHEAP program or meet the eligibility criteria under the Federal Standards set by section 2605(b)(2) of Public Law 97-35.

Utility/Bulk Fuel Dealers Arrears Forgiveness

Individual Class A utilities and/or bulk fuel dealers may augment available low-income energy assistance resources through individual programs which discount or waive fuel costs, re-connection charges, etc. and that are authorized by the Public Service Commission. Benefits provided under this category fit the criteria set forth in item (D) of the leveraging law. Eligibility for and/or receipt of assistance under the LIHEAP program in the base period and or eligibility under the Federal standards set by section 2605 (b)(2) of Public Law 97-35 is necessary to receive the discount or waiver. These programs include, but are not limited to, those which provide arrearage forgiveness for unpaid utility bills to federally qualified households or provide additional forgiveness for unpaid current balances to such households as part of agreed budget-billing or partial-payment plans. These programs, financed by the rate payers and/or utility stockholders, provide qualified households with benefits in addition to those provided by LIHEAP and are intended to further improve the affordability of basic energy services for low-income consumers. The programs covered by the above include, but are not limited to, the following:

- Alliant Energy
- Madison Gas & Electric
- Xcel Energy
- We-Energies
- Wisconsin Public Service

Voluntary charitable programs

This plan hereby sanctions certain voluntary charitable program such as Fuel Funds, whose specific purpose is to assist low-income people to make household energy more affordable but are not mandated by the Public Service Commission or state law. These programs are sanctioned when they provide their benefits to federally eligible households and enhance LIHEAP resources by providing benefits to households that may not qualify under the state's eligibility criteria or to households, which have exhausted available LIHEAP benefits. Revenues for sanctioned programs are derived from charitable contributions of private citizens, fuel supplier customers or fuel supplier stockholders. Benefits provided under this category fall under criteria (ii) and (iii). Under criteria (ii) the provider of the resource contracts directly with the LIHEAP program for distribution of the benefits through the LIHEAP program. Receipt of the benefit is dependent upon eligibility for LIHEAP and requires a completed LIHEAP application. Benefits counted under category (iii) fit the criteria set for in condition (E) of the leveraging law. Coordination between LIHEAP staff and the provider of the resource occurs on an ongoing basis. Staff communicates orally and/or in writing about how to meet the energy needs of specific individual households. During the LIHEAP program communication takes place before assistance is provided to each household unless the applicant shows documentation of application for LIHEAP. The programs covered by the above include, but are not limited to, the following:

- Alliant Energy, Hometown Program
- Keep Wisconsin Warm Foundation
- Energy Services, Inc.
- Madison Gas & Electric Energy Fund
- We-Energies
- Wisconsin Public Service, Fresh Start Program
- Xcel Energy, Pioneer in Energy Savings Program
- Wisconsin Homeless Prevention Program

State of Wisconsin

The State of Wisconsin provides assistance to low income LIHEAP eligible households in the following ways:

The Wisconsin Legislature designed and enacted legislation specifically intended to provide increased financial resources to households to help relieve the burden of home heating in low-income households. State and local sales tax was suspended for LIHEAP eligible households for the costs of home heating to direct additional funds to those households to relieve the costs of home heating. All LIHEAP eligible households benefited directly through suspension of state and local sales tax on heating fuels, or indirectly through reduced rental costs. The waiver of sales tax fits the criteria set forth in item (D) of the leveraging law.

The State of Wisconsin under Wis. Stat. Chapter 49 directs General Assistance funds to households without assets or means of support to provide a minimum of life's necessities including the cost of home heating. The same local agencies are under contract to the state to operate the LIHEAP and General Assistance programs. General assistance is provided only as a last resort to eligible households. Benefits counted under General Assistance fit criteria (E) of

the leveraging law. During the period when the LIHEAP program is in operation LIHEAP and General Assistance staff communicate on how to meet the energy needs of the specific individual households. For the duration of the LIHEAP program this communication takes place before assistance is provided to each household to be served by the resource, unless the applicant presents documentation of LIHEAP eligibility.

The State of Wisconsin as part of its effort to make housing affordable and available to all, provides assistance with high utility costs under the Homeless Prevention Program. Funds are provided to households only when housing costs are more than 30% of the total income and all other sources of assistance including LIHEAP and utility funding has been exhausted. Criteria A of the leveraging rules and regulations applies to this resource.

statutory
references

2605(b) → Please describe performance goals and measures planned for the fiscal year. **(This entry is optional.)**
(performance)
goals and
measures)

ADDITIONAL CERTIFICATIONS AND REQUIREMENTS

Attached are additional certifications required as follows:

- * **Lobbying certification**, which must be filed by all States and territories. If applicable, Form LLL, which discloses lobbying payments, must be submitted. **(Tribes and tribal organizations are EXEMPT.)**
- * **Debarment and suspension certification**, which must be filed by all grantees.
- * **Drug-free workplace requirement certification**, which must be filed by all grantees, unless the grantee has filed a statewide certification with the Department of Health and Human Services. **STATES ONLY:** If you have filed a statewide certification for the drug-free workplace requirement, please check here: _____
- * One of the requirements included in the 1994 reauthorization of the statute is that state grantees must include in their annual application for funds a report on the number and income levels of households applying for and receiving LIHEAP assistance, and on the number of recipient households that have members who are elderly, disabled, or young children.

All Tribes and those territories with allotments of less than \$200,000 need only submit data on the number of households served by each component (heating, cooling, weatherization and crisis). The approval for the collection of information contained in the **LIHEAP Household Report** is covered by OMB approval number 0970-0060.

- Though not a part of this application, the report on funds to be carried over or available for reallocation as required by section 2607(a) for the preceding year must be submitted by August 1 of each year. A grant award for the current fiscal year may not be made until the carryover/reallocation report is received. The approval for the collection of information contained in the **LIHEAP Carryover and Reallocation Report** is covered by OMB approval number 0970-0106.

DRAFT

PROGRAM INTEGRITY ASSESSMENT SUPPLEMENT

1. **RECENT AUDIT FINDINGS** Describe any audit findings of material weaknesses and reportable conditions, questioned costs and other findings cited in FY2010 or the prior three years, in annual audits, State monitoring assessments, Inspector General reviews, or other Government Agency reviews of LIHEAP agency finances.
 - a) The last audit was conducted by the Legislative Audit Bureau for FY2008. There were no findings of weaknesses, questioned costs, or other findings cited in the audit.
 - b) Description of resolution of audit issues. Not applicable.

- c) Explain why no plan is in place. Not applicable
 - d) Necessary outcomes. Timely and thorough resolution of all audit issues.
2. **COMPLIANCE MONITORING** Describe the State's FY2010 strategies that will continue in FY2011 for monitoring compliance with State and Federal LIHEAP policies and procedures by the State and local administering agencies.
- a) The State conducts many queries of the data in the database to identify instances where local agencies are not implementing program rules correctly and consistently. When variations are discovered, the local agencies are contacted to correct the problems. Many of these inquiries are conducted before benefits are issued to applicants, and questioned cases are set aside from payment until the problem is corrected.

The state also conducts a number of visits to the local administering agencies to query staff about practices and procedures, assess training needs, and identify areas of administrative concern.

- b) New Strategies for FY2011. No new strategies planned.
 - c) System is in Place.
 - d) Necessary Outcomes. A schedule for regular monitoring to identify and correct problems.
3. **FRAUD REPORTING MECHANISMS** For FY2010 activities continuing in FY2011, please describe all (a) mechanisms available to the public for reporting cases of suspected LIHEAP fraud, waste or abuse? [These may include telephone hotlines, websites, email addresses, etc.] (b) strategies for advertising these resources.
- a) The public can report fraud, inappropriate payments, waste, and abuse in a variety of ways including: Directly reporting to the local administering agency; Contacting the toll free line (866-432-8947); Sending letters to the Division of Energy Services; Email us by visiting our website (homeenergyplus.wi.gov), or directly (Heat@wisconsin.gov); Contact their state legislator; Contact the Governor's office; or Contacting the Office of Recovery and Reinvestment. We currently encourage stakeholders, vendors, and local organizations to establish lines of communication with the local office administering LIHEAP through our requirement of local coordination plans. The local coordination is intended to encourage not only services to needy households but also to provide a way for other community resources and stakeholders to identify potential cases of abuse.
 - b) No new tools are proposed to garner public reports of fraud and inappropriate payments, but a better effort to make clear these points of contact can also be used to report cases of abuse.
 - c) Routes and mechanisms exist for reporting fraud.
 - d) The necessary outcome is the avoidance giving benefits inappropriately or fraudulently; making clear to all staff, grantees, citizens, and stakeholders the unacceptability of such abuse; and to catch any case of abuse that may slip through the eligibility determination net.
4. **VERIFYING APPLICANT IDENTITIES** Describe all FY2010 State policies continuing in FY2011 for how identities of applicants and household members are verified.

- a) Identities are verified by visual inspection of the Social Security cards of the individual.
- b) Activities are underway to develop a mechanism to cross check the data received, especially the social security number and the date of birth, with the social security data base. Although the system may not be fully implemented in FY 2011, we expect to at least conduct a pilot with the view of full implementation in FY 2012.

Encourage local staff to view a second form of identification when taking applications, such as a driver's license. Other forms of identification could also be used, especially if they include a picture.

- c) Currently use the social security card to verify identity. Ask intake workers to view a picture identification for the applicant. Working on adding a match with the Social Security Administration database.
 - d) The necessary outcome is no benefits will be provided to ineligible households.
5. **SOCIAL SECURITY NUMBER REQUESTS** Describe the State's FY2011 policy in regards to requiring Social Security Numbers from applicants and/or household members applying for LIHEAP benefits.
- a) Wisconsin has required Social Security Numbers for all household members for several years. Households not providing SSNs for all household members have not completed the application and will not be paid. [A Social Security number (SSN) is required for the case head and all persons in the household regardless of age. Section 2.1.3 of the Wisconsin Home Energy Assistance Program Program and Operations Manual]
 - b) There will be no change in this policy for FY 2011.
 - c) Wisconsin currently requires Social Security Numbers.
 - d) All valid household members are correctly identified for benefit determination.

6. **CROSS-CHECKING SOCIAL SECURITY NUMBERS AGAINST GOVERNMENT SYSTEMS/DATABASES** Describe if and how the State used existing government systems and databases to verify applicant or household member identities in FY2010 and continuing in FY2011. (Social Security Administration Enumeration Verification System, prisoner databases, Government death records, etc.)
- a) In FY 2010 Wisconsin did not have the opportunity to use other government systems and databases to verify identities. Activities are underway to develop a mechanism to cross check the data received, especially the social security number and the date of birth, with the social security data base. Although the system may not be fully implemented in FY 2011, we expect to conduct a pilot of implementation in FY 2012.
 - b) Social Security cross checking will be established in FY 2011, and Wisconsin will examine the availability and accessibility of other data bases, such as a prisoner database.
 - c) Wisconsin will continue to test and verify identity under currently procedures as it moves to implementation of cross checking with other databases.
 - d) Necessary outcome is the positive identification of case heads and household members determining eligibility.

7. **VERIFYING APPLICANT INCOME** Describe how the State or designee used State Directories of new hires or similar systems to confirm income eligibility in FY2010 and continuing in FY2011.

- a) Wisconsin has not used a directory of new hires, or similar systems, to confirm income eligibility in FY 2010 and does not expect to use such systems in FY 2011. However, Wisconsin will explore the availability and access of such systems with an eye to inclusion of such system in the tool kit of income eligibility determination.
- b) Wisconsin will explore the availability and access of such systems with an eye to inclusion of such system in the tool kit of income eligibility determination.
- c) Wisconsin will continue to verify income from check stubs, award letters, W-2s, and other such documents.
- d) The necessary outcome is an accurate determination of income.

8. **PRIVACY-PROTECTION AND CONFIDENTIALITY** Describe the financial and operating controls in place in FY2010 that will continue in FY2011 to protect client information against improper use or disclosure.

- a) Wisconsin limits access to the database that contains applicant information. Wisconsin does not share applicant information with outside organizations, limits internal use to the energy programs operated, or evaluated by the State, and limits any external use to programs operated in conjunction with energy assistance (arrearage reduction programs conducted by fuel providers). Wisconsin expressly requires safe guards of confidentiality in the contract with local agencies, Article 26.
- b) Wisconsin will implement further measures to reduce the visibility of the Social Security Number and other personally identifiable information from all but the necessary local agency worker, and eliminate the Social Security Number from benefit/denial notices.
- c) Wisconsin has controls in place to ensure security of personally identifiable information and continues to examine mechanisms to further secure this information from inappropriate examination.
- d) The necessary outcome is the protection of applicant personal information.

9. **LIHEAP BENEFITS POLICY** Describe FY2010 State policies continuing in FY2011 for protecting against fraud when making payments, or providing benefits to energy vendors on behalf of clients.

- a) Wisconsin calculates the amount of the benefit within its database system which means individual workers and applicants do not determine the benefit. In addition Wisconsin pays the energy vendors directly which reduces the incentive and opportunity for inappropriate payments. Only a relatively small number of applicants receive direct payments and this is limited to households that do not have an account with a vendor (landlord pays the heat) or the household burns wood.

The system for determining benefits uses several factors such as household income, annual energy costs, number of rooms in the dwelling, type of fuel, and the number of eligible household members. The use of many factors to calculate the benefit makes anticipating the potential benefit difficult for an individual to adjust factors to increase the benefit amount.

Wisconsin uses address checking software to ensure addresses are real, are used for residential purposes, and represent the actual residence of the applicant.

To the extent systems are available Wisconsin takes advantage of utility operated information systems to verify annual fuel use, address, and account numbers.

- b) No new fraud prevention efforts are planned for FY 2011
- c) Local agencies are instructed to turn all indications of deceit and fraud to the local fraud unit for additional investigation and potential prosecution.
- d) Necessary outcome is energy vendors receive payment from the WHEAP system on behalf of eligible applicants.

10. PROCEDURES FOR UNREGULATED ENERGY VENDORS Describe the State's FY2010 procedures continuing in FY2011 for averting fraud and improper payments when dealing with bulk fuel dealers of heating oil, propane, wood and other un-regulated energy utilities.

- a) The Wisconsin benefit system does not rely on vendors putting any information into the system as part of the system generated payments. Vendors get payments out of the system in behalf of clients, but they have no role in generating the benefits. Over the years, Wisconsin believes that problem vendors have been eliminated from the list.

All vendors in Wisconsin must sign the standard vendor agreement

- 3. The Supplier agrees to the following:
 - a) To provide home heating/electric related services to each eligible household in an amount equal to WHEAP benefits and/or crisis assistance benefits received by the household. Regular WHEAP benefits received may **not** be used to pay for home energy costs incurred prior to the start of the heating season in which the payment was made.
 - b) To charge the eligible household in the Supplier's normal billing process.
 - c) To charge all eligible WHEAP recipients the price normally charged for the home energy delivered to a non-eligible, similarly situated household.
 - d) Not to discriminate against an eligible WHEAP household with respect to terms, deferred payment plans, credit, conditions of sale or discounts offered to other home energy customers.
 - e) To provide an invoice to WHEAP recipients clearly indicating the amount of home energy provided and the cost of said energy.
 - f) To clearly enter on the customer's bill the amount of WHEAP payments received in a manner which identifies the payment as received from the Wisconsin Home Energy Assistance Program.
 - g) To maintain an accounting system and supporting fiscal records for three years available to Division representatives upon reasonable notice.
 - h) To comply with all Wisconsin laws, regulations or other requirements pertaining to the supplying of home energy for residential use.
 - i) To provide at no cost to the Division, client, or agency, written information on an applicant household's home energy costs, bill payment history, or arrearage history for the time period of September 1 to August 31. If the company does not retain cost and/or billing information for this time period, information for the last 12 monthly billing periods must be provided.
 - j) To report to the agency situations that threaten life, health or safety.
 - k) To cooperate with the agency in developing procedures to respond to immediate and potential emergencies.

9. Incorrect Payments

All suppliers are required to review the weekly WHEAP payment register for accuracy of heat, electric and crisis payments. In the event a heating or electric payment is made to a supplier in error, the vendor should contact the local agency (listed on the payment register) in which the client applied for WHEAP benefits within 30 days to correct the error. Payments made in error must be corrected by the local WHEAP agency and will be refunded from the next

WHEAP payment made to the supplier. In the event a crisis assistance payment is made to a supplier in error, a check for the amount of the payment error must be returned to the state using the return information in item #7.

In addition to setting forth the vendor requirements, Wisconsin sends notices of payment adjustments to benefit recipients so they can bring problems to the local agency's attention.

- b) No new procedures planned for FY 2011.
- c) While the current procedures and requirements seem to be effective in averting vendor fraud, Wisconsin will continue to monitor the situation and will consider additional suggestions for systematically preventing fraud and abuse.
- d) The necessary outcome is to have correct payments credited only to the accounts of eligible applicants.

11. VERIFYING THE AUTHENTICITY OF ENERGY VENDORS Describe State FY2010 policies continuing in FY2011 for verifying the authenticity of energy vendors being paid under LIHEAP, as part of the State's procedure for averting fraud.

- a) Vendors are only allowed to participate in the program (become eligible to receive payments) after referral by a local energy assistance agency and completion of a vendor agreement and information sheet.

Vendors can only be entered into the system by state staff. Very few changes are needed in the vendor list from year to year and those generally related to consolidation of vendors, not the addition of new vendors. Changes in the vendor information are only made after receipt of a written document.

- b) No new procedures planned for FY 2011.
- c) While the current procedures and requirements seem to be effective in averting vendor fraud, Wisconsin will continue to monitor the situation and will consider additional suggestions for improvements in the system for registering vendors.
- d) The necessary outcome is to deal with existing, reputable, and reliable vendors.

12. TRAINING AND TECHNICAL ASSISTANCE In regards to fraud prevention, please describe elements of your FY2010 plan continuing in FY2011 for training and providing technical assistance to (a) employees, (b) non-governmental staff involved in the eligibility process, (c) clients, and (d) energy vendors.

- a) Wisconsin conducts a 2 day 'Intake Training' program (previously called New Worker Training) to provide local energy assistance staff with a detailed overview of eligibility criteria and procedures for taking applications. This program addresses some of the key issues related to prevention of fraud, waste, abuse, and issuance of improper payments. The title of the program has been changed from New Worker to Intake Training because a significant number of the participants were not actually new workers to the program.

Each August Wisconsin conducts an 'Update' session for local energy assistance staff, utility staff, and staff of other stakeholders. This session focuses on changes for the coming heating season, specific policy changes, procedural changes, problems identified in monitoring that agency staff need to be working to avoid, and topics of special interest. While fraud is not often identified as a topic most of the discussion can be seen as intended to avoid improper payments and avoid fraud.

Each winter (usually in February) Wisconsin conducts a 2 day training conference. This conference has many purposes, but one of the underlying aims is to help local staff to understand and follow the program policies and procedures. As staff better understand policy and procedures, they help identify and prevent fraud and inappropriate payments.

Wisconsin has an annual training contract with Wisconsin Energy Conservation Corporation (WECC) to organize and operate designated training events and special topic training events of interest to workers throughout the state. In addition Wisconsin has a 'rapid response' training effort used to deal with local agencies where monitoring has identified problems, weaknesses, or new staff training needs.

Not as a direct part of our training effort, but as a large part of our efforts to improve local staff's ability to avoid improper payments, Wisconsin operates a Help Desk dedicated to responding to questions and needs of local energy assistance program staff and vendor staff. This provides state staff the opportunity to directly intervene in problems and to understand issues that should be addressed in other training areas.

A major part of the on-site monitoring activities by staff involves training of local staff.

Wisconsin also uses its email system to send out special training advice to all workers when there is a need, when changes occur, and when reminders are appropriate.

- b) Training programs are in a continuing state of change and adjustment to reflect the perceived needs. Although no new elements of the training plan are proposed at this time, a new element will be added when the need is identified.
- c) N.A.
- d) The necessary outcome is a staff alert to the needs of preventing inappropriate payments and aware of their role in eliminating fraud, waste, and abuse from the program.

13. AUDITS OF LOCAL ADMINISTERING AGENCIES Please describe the annual audit requirements in place for local administering agencies in FY2010 that will continue into FY 2011.

- a) The contract with the local agencies (counties and tribes) sets forth the audit requirement of Wisconsin and of the Single Audit Act. Article 29 of the contract sets forth the audit requirements. These requirements have been in place and will be continued.
- b) No new procedures planned for FY 2011.

- c) There are specific audit requirements.
- d) The necessary outcome is no improper payments, maintenance of local agency integrity, and benefit awards to eligible households.

14. **Additional Information**

Please attach further information that describes the Grantee's Program Integrity Policies, including supporting documentation from program manuals, including pages/sections from established LIHEAP policies and procedures.

- a) **Verifying Addresses.**
Wisconsin requires matching addresses of households with a database used by the Postal Service to verify the address actually exists.
- b) **Processing of Application of Relatives and Friends.**
Wisconsin is concerned with the maintaining real and perceived distance between the worker processing an application and the applicant. To this end the Program and Operations manual contains the following section:

8.2.1 Processing Applications from Relatives and Friends

If the applicant is an employee of the agency or its subcontractor, a relative or household member of an employee, a former employee of the agency, or a close friend of the person certifying/entering the application for regular benefits, crisis benefits, or emergency furnace assistance, the application must be reviewed, approved, and entered into the WHEAP System by a staff person at the level of supervisor or higher. This restriction applies to any actions related to the individual's regular benefits, crisis assistance, and emergency furnace applications. These applications should not be processed in any way at any level below the supervisor.

- c) **WHEAP System Security**
Wisconsin is concerned with maintaining a high level of security for the WHEAP System (the operating database) and therefore includes the following section in the Program and Operations Manual:

8.2.6 WHEAP System Security

- a.) The Director of the contracting agency (County/Tribe) must appoint a 'Contractor Administrator' who is responsible for:
 - Submittal of a completed and signed Contractor Administrator form (supplied by the Division on the Home Energy Plus website) identifying the appointed Contractor System Administrator(s).
 - Notification to the state system administrators (using the same form), of any changes to the initial appointment.
- b.) The Contractor Administrator (county/tribe) responsibilities include:
 - Maintenance of current WHEAP system user:
 - log-ins
 - permissions
 - profile information within their county [agency]
 - signed security agreements using the Division's form for each system user
 - retention of the signed security agreements.

- Creation of new WHEAP system user:
 - log-ins
 - permissions
 - signed security agreements using the Division's form for each system user
 - retention of the signed security agreements
 - profile information within their county/tribe [agency].
 - Creation and maintenance of subcontractor WHEAP system user security agreements/log-ins/permissions/user profile information when applicable.
 - When features that are not listed on the WHEAP security forms are added to the WHEAP System, permissions to use the feature will need to be annotated on the individual worker's forms accordingly.
 - Inactivate workers who will be off the system for more than two weeks on vacation, maternity leave, summer leave, or any other reason.
 - Delete workers who have been terminated, retired, quit, or otherwise have left the program.
- c.) Access for filing administrative claims (Contract Payment System) is limited to County/Tribal staff only. Sub-contract agency staff are not authorized to have access to the Contract Payment System.
- d) Sections of the Contract with Local Agencies referred to in Questions Above

ARTICLE 26. CONFIDENTIAL, PROPRIETARY, AND PERSONALLY IDENTIFIABLE INFORMATION.

The Contractor shall not use Confidential, Proprietary or Personally Identifiable Information ("*Confidential Information*") for any purpose other than the limited purposes set forth in this Contract, and all related and necessary actions taken in fulfillment of the obligations there under. The Contractor shall hold all Confidential Information in confidence, and shall not disclose such Confidential Information to any persons other than those directors, officers, employees, and agents ("*Representatives*") who have a business-related need to have access to such Information in furtherance of the limited purposes of this Contract and who have been apprised of, and agree to maintain, the confidential nature of such information in accordance with the terms of this Contract. Contractor shall require all such Representatives to read and sign a non-disclosure statement, and shall be responsible for the breach of this Contract by any said Representatives.

Contractor shall institute and maintain such security procedures as are commercially reasonable to maintain the confidentiality of the Confidential Information while in its possession or control including transportation, whether physically or electronically.

Definitions

"Confidential Information" means all tangible and intangible information and materials, including all proprietary and Personally Identifiable Information, being disclosed in connection with this Agreement, in any form or medium (and without regard to whether the information is owned by the State or by a third party), that

satisfy at least one of the following criteria: (i) Personally Identifiable Information; (ii) non-public information related to the State's employees, customers, technology (including data bases, data processing and communications networking systems), schematics, specifications, and all information or materials derived therefrom or based thereon; or (iii) information expressly designated as confidential in writing by the State.

"Personally Identifiable Information" means an individual's last name and the individual's first name or first initial, in combination with and linked to any of the following elements, if the element is not publicly available information and is not encrypted, redacted, or altered in any manner that renders the element unreadable: (a) the individual's Social Security number; (b) the individual's driver's license number or state identification number; (c) the number of the individual's financial account, including a credit or debit card account number, or any security code, access code, or password that would permit access to the individual's financial account; (d) the individual's DNA profile; or (e) the individual's unique biometric data, including fingerprint, voice print, retina or iris image, or any other unique physical representation, and any other information protected by state or federal law.

ARTICLE 29. AUDIT REQUIREMENTS

The Contractor shall have a certified annual audit performed utilizing Generally Accepted Accounting Principles and Generally Accepted Auditing Standards. The following requirements apply:

NOTE: The funding source (federal or state) of this grant is identified in Article 5.

Federal Funded Awards:

Governmental Contractors, or their assignees, including Non-Profit and For-Profit assignees, that **expend \$500,000** or more in a single year from awards which funding originated from Federal Government sources comply with the Single Audit Act of 1984 (including the Single Audit Act Amendments of 1996), OMB Circular A-133, and the State Single Audit Guidelines issued by the Department. Audit reports are due to the State within thirty (30) days from issuance of the report, but no later than nine (9) months after the end of the audit period.

Non-Profit Contractors, or their assignees, that **expend \$500,000** or more in a single year from awards which funding originated from Federal Government sources shall comply with the Single Audit Act of 1984 (including the Single Audit Act Amendments of 1996) and OMB Circular A-133. In addition, a separate footnote or schedule be included listing all awards which funding originated from State Government sources and the total cash expended under each of those

awards for the year under audit. Audit reports are due to the State within thirty (30) days from issuance of the report, but no later than nine (9) months after the end of the audit period.

For-Profit Contractors, or their assignees, that **expend \$500,000** or more in a single year from awards which funding originated from Federal Government sources shall have a certified annual audit performed utilizing Generally Accepted Accounting Principles, Generally Accepted Auditing Standards and Government Auditing Standards. In addition, a separate footnote or schedule shall be included listing all awards which funding originated from Federal Government sources and the total cash expended under each of those awards for the year under audit. Audit reports are due to the State within thirty (30) days from issuance of the report, but no later than nine (9) months after the end of the audit period.

One (1) copy of the Audit along with the Management Letter shall be submitted to the address listed below. Responses and corrective action to be taken by management shall be included for any findings or comments issued by the auditor.

If the combined total **expended** from all funding originating from Federal Government sources is less than \$500,000 in a single year, the Contractor, or its assignee, shall confirm in writing that the above audit requirements are not applicable. This confirmation shall be submitted to the address listed below.

State Funded Awards:

NOTE: If an audit is required under OMB Circular A-133 as described above, then this section does not apply as State Funded Awards shall already be included in that audit.

Governmental, Non-Profit, and For-Profit Contractors, or their assignees, that **expend \$100,000** or more in a single year from awards which funding originated from State Government sources shall have a certified annual audit performed utilizing Generally Accepted Accounting Principles, Generally Accepted Auditing Standards and Government Auditing Standards. In addition, a separate footnote or schedule shall be included listing all awards which funding originated from State Government sources and the total cash expended under each of those awards for the year under audit. Audit reports are due to the State within thirty (30) days from issuance of the report, but no later than nine (9) months after the end of the audit period.

One (1) copy of the Audit along with the Management Letter shall be submitted to the address listed below. Responses and corrective action to be taken by management shall be included for any findings or comments issued by the auditor.

If the combined total **expended** from all funding originating from State Government sources is less than \$100,000 in a single year, the Contractor, or its assignee, shall confirm in writing that the above audit requirements are not applicable. This confirmation shall be submitted to the address listed below.

Send one copy of the Audit and Management Letter or the letter confirming that the audit requirements are not applicable to:

Stacey Wagner, Single Audit Coordinator
DOA Division of Administrative Services
101 E Wilson St
PO Box 7869
Madison, WI 53707-7869

DRAFT

**CERTIFICATION REGARDING DEBARMENT, SUSPENSION AND OTHER
RESPONSIBILITY MATTERS**

Certification Regarding Debarment, Suspension, and Other Responsibility Matters--Primary Covered Transactions

Instructions for Certification

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.
2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall

submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.

3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

4. The prospective primary participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

5. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.

6. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.

7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Nonprocurement Programs.

9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

Certification Regarding Debarment, Suspension, and Other Responsibility Matters--Primary Covered Transactions

(1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency;

(b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

(2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Covered Transactions

Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or had become erroneous by reason of changed circumstances.

4. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meaning set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.

5. The prospective lower tier participant agrees by submitting this proposal that, [[Page 33043]] should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled ``Certification Regarding Debarment, Suspension, Ineligibility and

Voluntary Exclusion-Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from covered transactions, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Nonprocurement Programs.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification Regarding Debarment, Suspension, Ineligibility an Voluntary Exclusion--Lower Tier Covered Transactions

(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

CERTIFICATION REGARDING DRUG-FREE WORKPLACE REQUIREMENTS

This certification is required by the regulations implementing the Drug-Free Workplace Act of 1988: 45 CFR Part 76, Subpart, F. Sections 76.630(c) and (d) (2) and 76.645(a) (1) and (b) provide that a Federal agency may designate a central receipt point for STATE-WIDE AND STATE AGENCY-WIDE certifications, and for notification of criminal drug convictions. For the Department of Health and Human Services, the central pint is: Division of Grants Management and Oversight, Office of Management and Acquisition, Department of Health and Human Services, Room 517-D, 200 Independence Avenue, SW Washington, DC 20201.

1. By signing and/or submitting this application or grant agreement, the grantee is providing the certification set out below.

2. The certification set out below is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, the agency, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.

3. For grantees other than individuals, Alternate I applies.

4. For grantees who are individuals, Alternate II applies.

5. Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.

6. Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio studios).

7. If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see paragraph five).

8. Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:

Controlled substance means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15);

Conviction means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

Criminal drug statute means a Federal or non-Federal criminal

statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

Employee means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All direct charge employees; (ii) All indirect charge employees unless their impact or involvement is insignificant to the performance of the grant; and, (iii) Temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

Certification Regarding Drug-Free Workplace Requirements

Alternate I. (Grantees Other Than Individuals)

The grantee certifies that it will or will continue to provide a drug-free workplace by:

- (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- (b) Establishing an ongoing drug-free awareness program to inform employees about --
 - (1) The dangers of drug abuse in the workplace;
 - (2) The grantee's policy of maintaining a drug-free workplace;
 - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
- (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will --
 - (1) Abide by the terms of the statement; and
 - (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
- (e) Notifying the agency in writing, within ten calendar days after receiving notice under paragraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices.

Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under paragraph (d)(2), with respect to any employee who is so convicted --

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

(B) The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

Four horizontal lines for entering the place of performance information.

Check if there are workplaces on file that are not identified here.

Alternate II. (Grantees Who Are Individuals)

(a) The grantee certifies that, as a condition of the grant, he or she will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant;

(b) If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, he or she will report the conviction, in writing, within 10 calendar days of the conviction, to every grant officer or other designee, unless the Federal agency designates a central point for the receipt of such notices. When notice is made to such a central point, it shall include the identification number(s) of each affected grant.

[55 FR 21690, 21702, May 25, 1990]

CERTIFICATION REGARDING LOBBYING

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Statement for Loan Guarantees and Loan Insurance

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit

GRANTEE: STATE OF WISCONSIN

FFY 2011

Standard Form-LLL, ``Disclosure Form to Report Lobbying,`` in accordance with its instructions. Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Signature

Title

Organization

DRAFT

PUBLIC HEARING NOTICE
Division of Energy Services
Department of Administration
101 E. Wilson, Sixth Floor, Room 6F
Madison, WI 53702
Friday, July 30, 2010
10:00 am to 11:30 pm

Testimony will be accepted on the draft 2011 "Wisconsin State Plan" (the Plan) for the administration of the **LOW INCOME HOME ENERGY ASSISTANCE PROGRAM** (LIHEAP). The Plan will be submitted to the U.S. Department of Health and Human Services to cover the Federal Fiscal year of October 1, 2010, through September 30, 2011. The Plan lists the conditions by which Wisconsin will administer and issue LIHEAP assistance through the Title XXVI Block Grant.

The meeting site is accessible to people with disabilities. Interested persons are invited to present information at the hearing. People appearing may make an oral presentation but are also urged to submit facts, opinions, and arguments in writing.

Written comments from persons unable to attend the meeting, or who wish to supplement testimony offered at the meeting should be directed to:

Division of Energy Services
Attn LIHEAP Plan
P.O. Box 7868
Madison WI 53707-7868.

Electronic comments should be sent to heat@doa.state.wi.us

Written, including electronic, comments must be received by noon, Friday, July 30, 2010 to be included in the record of the proceedings.

The Plan is available electronically at: **homeenergyplus.wi.gov** in the Grantee Information section under WHEAP Grantee Information in the WHEAP Planning Information subsection.

Contact Person:
Jim Cain
Department of Administration
101 E. Wilson Street, 6th Floor
P.O Box 7868
Madison WI 53707-7868
Tel: (608) 267-2736
Email: jim.cain@wisconsin.gov