

January 11, 2022¹

MAINE PUBLIC UTILITIES COMMISSION
Amendments to Statewide Low-Income
Assistance Plan Rule (Chapter 314)

NOTICE OF RULEMAKING

BARTLETT, Chairman; DAVIS and SCULLY, Commissioners

I. SUMMARY

Through this Notice, the Commission initiates a rulemaking proceeding to consider amendments to its Statewide Low-Income Assistance Plan Rule (Chapter 314).

II. BACKGROUND

A. Low-Income Assistance Program

In 1991, the Commission approved bill payment assistance programs for low-income customers of each of Maine's three investor-owned transmission and distribution (T&D) utilities.² The three programs had different design features and provided different benefit levels. In 1997, the Legislature enacted "An Act to Restructure the State's Electric Industry", P.L. 1997, ch. 316 (Act). Section 3 of the Act created Chapter 32 of Title 35-A of the Maine Revised Statutes, including a new Section 3214 that directed the Commission to oversee the implementation of a statewide financial assistance program for low-income electricity customers. The statute states in relevant part:

§3214. Needs-based low-income assistance

1. Policy. In order to meet legitimate needs of electricity consumers who are unable to pay their electricity bills in full and who satisfy eligibility criteria for assistance, and recognizing that electricity is a basic necessity to which all residents of the State should have access, it is the policy of the State to ensure adequate provision of financial assistance.

¹ It has come to the Commission's attention that not everyone on the notification list received the Notice of Rulemaking (NOR) on January 11, 2022 and as a result the Commission is reissuing the NOR and proposed amendments to the rule in the docket.

² The three investor-owned utilities were Central Maine Power Company, Bangor Hydro-Electric Company, and Maine Public Service Company.

2. Low-income assistance. In order to continue existing levels of financial assistance for low-income households and to meet future increases in need caused by economic exigencies, the commission shall:

A. Receive funds collected by all transmission and distribution utilities in the State at a rate set by the commission in periodic rate cases; and

B. Set initial funding for programs based on an assessment of aggregate customer need in periodic rate cases. The funding formula may not result in assistance being counted as income or as a resource in other means-tested assistance programs for low-income households. To the extent possible, assistance must be provided in a manner most likely to prevent the loss of other federal assistance....

35-A M.R.S. § 3214 (1) & (2).

Chapter 314 is the Commission's implementing rule creating the statewide, Low-Income Assistance Program (LIAP) for qualified electricity customers. The rule establishes the standard design, administration and funding criteria for LIAP. The rule creates a central fund to finance the program and apportions the fund to T&D utilities based on the percentage of Low-Income Home Energy Assistance Program (LIHEAP)³ eligible persons residing in their respective service territories. The Maine State Housing Authority (MSHA) administers the program.

In its initial rulemaking proceeding in 2001 creating the statewide program, the Commission stated:

Section 3214(1) articulates a policy which recognizes that electricity is a basic necessity to which all residents of the State should have access We interpret this policy statement, coupled with the other provisions of Section 3214, to require a low-income program that provides comparable benefits for electric customers throughout the State.

Public Utilities Commission, Rulemaking to Create the Electric Lifeline Program (Chapter 314), Docket No. 2001-00042, Notice of Rulemaking at 4 (Feb. 6, 2001) (internal quotations omitted).

The Commission further stated that "Section 3214(2) directs that the low income program 'continue existing levels of financial assistance for low income households and meet future increases in need caused by economic exigencies' The language in the proposed rule mirrors this statutory directive." *Id.* at 3. These two guiding principles (i.e., to continue existing levels of financial assistance while creating a

³ The Low-Income Home Energy Assistance Program (LIHEAP) is a federally funded program that provides financial assistance grants to needy households for home energy bills.

program that provides comparable benefits for electric customers throughout the State) were used by the Commission when designing Maine's statewide program.

To establish the appropriate funding amount for the new statewide program, the Commission combined the benefit funding amounts included in rates by Central Maine Power (CMP), Bangor Hydro-Electric Company, and Maine Public Service Company, and then divided this figure by the number of people eligible for LIHEAP in those service territories to establish a funding amount "per LIHEAP eligible person" in those utilities' service territories. The Commission then multiplied this figure by the total number of LIHEAP eligible persons in the State to establish the total funding amount for benefits for the statewide program.⁴ To ensure that the funding was apportioned to the various utilities based on the "need" that existed in each utility's service territory, the Commission allocated each utility a portion of the overall funding amount by multiplying the percentage of the state's LIHEAP eligible people residing in each utility's service territory by the total benefit funding amount.

To meet the statutory requirement that the programs "meet future increases in need caused by economic exigencies," the Commission has used the price of electricity as a proxy for the "increases in need caused by economic exigencies" and since the promulgation of the rule, the Commission has monitored the collective price of electricity that customers pay across the State on an annual basis. When electricity prices have more than a *de minimis* increase from the time of the last funding adjustment, the Commission increases the overall funding level of the statewide program in an amount commensurate to the increase in electricity prices.⁵ The Commission assesses the funding level each year for the forthcoming program year.

B. AARP Request to Expand Program Participation

On February 26, 2021, AARP filed a letter requesting that the Commission "open an emergency rulemaking proceeding to authorize a pilot program under Chapter 314 to significantly expand participation in Maine's Low-Income Assistance Program (LIAP)." More specifically, AARP proposed that the Commission allow all MaineCare recipients with income certified as 150% or less of federal poverty guidelines be deemed eligible for LIAP. MaineCare is the state's Medicaid program administered by the Department of Health and Human Services (DHHS) which provides free and low-cost health insurance to Mainers who meet certain requirements based on household composition and income. Under the existing LIAP program, the customer or a member of the customer's household must be eligible to receive a LIHEAP benefit in order to be eligible for LIAP.

On March 5, 2021, the Office of the Public Advocate (OPA) filed a letter requesting that the Commission open an Inquiry into the LIAP pilot program proposed by AARP stating that a number of points raised by AARP were worthy of further

⁴ This calculation established the initial funding for the program at \$5,823,120.

⁵ The Commission has never decreased the overall funding level of the statewide plan when electricity prices have decreased.

exploration and that it believed this is the right time to evaluate LIAP's eligibility criteria to ensure that a safety net is provided to those who need it. The OPA stated that it would gladly participate in an Inquiry to better understand the financial implications on ratepayers from undertaking a change of eligibility in the short and long run and posed a number of questions that an Inquiry could solicit more information on. On March 8, 2021, the OPA supplemented its March 5 comments stating that it strongly supported prompt implementation particularly given the ongoing pandemic and noted that some issues needed to be addressed up front in order to implement the program including the manner in which Medicaid recipients should apply for LIAP and whether there is an efficient manner to communicate proof of their eligibility to the utility.

C. Notice of Inquiry

On March 19, 2021, the Commission opened an Inquiry to solicit comments on a number of issues related to AARP's request noting that it had a number of the same questions the OPA had about the proposal and was in the process of opening an Inquiry to obtain more information when it received the OPA's request.⁶ The Commission sought additional comments from stakeholders related to legislation enacted during the 2021 session that directed the Commission to consider in the Inquiry docket proven, global best practices to assist low-income ratepayers, including, but not limited to, the use of lower tier rates for customers based on income.⁷

The Commission held meetings to discuss these issues with stakeholders on July 28, 2021 and September 27, 2021 and reviewed information on low-income programs in other states. Issues discussed included program administration issues related to expanding the program, the potential cost of expanding the program and the potential impact on consumer-owned utilities (COUs) which may have a disproportionately high number of eligible people in their territories and not enough funding to cover the additional participants. There was also some discussion regarding potential issues with trying to expand the program through an emergency rulemaking. These included operational issues for utilities as they do not currently have in place the resources or the processes to implement AARP's proposal and the fact that at the time of the request, we were in the middle of a program year and the utilities had already spent a significant amount of the year's funding. The Commission has also been exploring potential ways to address limitations on the ability of DHHS to share certain information with the Commission, MSHA or the utilities due to confidentiality issues (i.e., information regarding customers' participation in means tested programs and customer consent to share this information).

⁶ *MPUC Inquiry Regarding Request to Expand Participation in Maine's Low-Income Assistance Program*, Docket No. 2021-00061, Notice of Inquiry (Mar. 19, 2021) (Inquiry Docket).

⁷ P.L. 2021, c. 101. The Act also directs the Commission to provide the Energy, Utilities and Technology Committee with any information or decisions made in the Inquiry Docket regarding low-income ratepayer assistance by January 15, 2022.

The following entities provided written comments and/or participated in the stakeholder meetings in the Inquiry docket: AARP, OPA, Maine Equal Justice, Maine Community Action Partnership, Consumers for Affordable Health Care, CMP, Versant Power (Versant), Kennebunk Light and Power District, Madison Electric Works, Eastern Maine Electric Cooperative, Van Buren Light and Power District, Dirigo Electric Cooperative, Houlton Water Company, Fox Island Electric Cooperative, Waldo Community Action Partners, York Community Action Partners, and representatives from DHHS and the MSHA.

III. PROPOSED RULE PROVISIONS

The Commission opens this rulemaking proceeding to consider proposed changes to the rule to expand LIAP eligibility as suggested by AARP. The Commission notes that expanding eligibility to recipients of DHHS means tested programs will significantly expand the number of people eligible to participate in LIAP, which will in turn significantly increase the cost of the program. AARP stated in its comments in the Inquiry that it thought the Commission should assume that the size of the program will double from the current \$7.8 million to approximately \$16 million per year.⁸ The Commission is concerned about customers who are struggling to pay their electric bills particularly now given rising energy costs. However, the Commission is also concerned about the ambiguity regarding the potential increase in LIAP participants and the associated increase in the cost of the program. Though AARP suggests the cost of the program could double, the Commission is concerned that it could exceed that amount. Further, the Commission is quite concerned about potentially doubling the cost of the program in a single year.

Because of this uncertainty regarding the number of newly eligible customers that may enroll in LIAP if the program is expanded and the concern about increasing the overall cost of the program too quickly, the proposed rule would expand the eligibility criteria to recipients of DHHS means tested programs, making more electricity customers eligible for LIAP, but proposes to cap the increase in the cost of the program at \$4 million. After the first year of an expanded program, the Commission should have a better understanding regarding the number of additional customers that will be eligible for the program and can propose appropriate funding changes/levels at that time. The Commission seeks to balance the need facing electricity customers at this time with the impact on utilities and seeks comment on this approach.

As discussed above, the Commission has, to date, interpreted the continue existing levels of financial assistance and meet future increases in need caused by economic exigencies language in the statute to mean keeping the program's funding level the same with adjustments for increases in the price of electricity. As a result, the proposed \$4 million funding increase in the proposed rule would be a departure from what the Commission has done historically. Given this, in the Inquiry, the Commission sought comment on whether the Commission should significantly expand the program without guidance or a directive from the Legislature. This was in the context of AARP's

⁸ Inquiry Docket, AARP Comments at 5 (Aug. 31, 2021).

request for a one-time pilot program to expand eligibility. The Commission notes that if it were to expand eligibility but keep the funding level the same, the individual benefit to customers would be significantly reduced.

The OPA commented that the Commission's adoption of Chapter 314 was done pursuant to the Commission's plenary authority under 35-A M.R.S. § 104⁹ and that because the program is based upon the Commission's ratemaking authority the Commission's authority to expand the program is not constrained by the need to seek additional legislative authorization.¹⁰ The OPA also commented that program eligibility is entirely within the Commission's discretion and that the Commission could expand the program, after a pilot period, without guidance or a directive from the Legislature.¹¹ AARP commented that the Commission's plenary authority allows it to do a one-time expansion of the program as a waiver of the requirements of the rule¹² and CMP commented that given the Commission's broad general authority, including Section 104, and its broad authority with respect to LIAP, there should be no need for guidance or direction from the Legislature.¹³

The Commission invites comment on its authority to make a permanent change to the rule in this rulemaking proceeding, versus a one-time expansion of the program, that would increase funding for the program not based on economic exigencies. The Commission also notes that it will be looking at the issue of possible increases in program funding due to the increased price of electricity as it does each year separate from this rulemaking proceeding.

Some of the COUs expressed concern in the Inquiry about cash flow problems that could be created by a significant increase in funding for the LIAP, as well as the COUs' ability to timely recover the added costs. The COUs further commented that because they infrequently file rate cases, they should be allowed to immediately recover the added costs associated with expanding the LIAP through a separate tariff. The Commission shares this concern and agrees that the COUs should be allowed to recover the added costs of an expanded LIAP immediately through a tariff filing, possibly similar to the tariff filing that most COUs currently have that allows them to assess customers a "conservation assessment" to recover the annual costs associated with the Efficiency Maine Trust (Trust) assessment. The Commission seeks comment

⁹ 35-A M.R.S. § 104 states: "The provisions of this Title shall be interpreted and construed liberally to accomplish the purpose of this Title. The commission has all implied and inherent powers under this Title, which are necessary and proper to execute faithfully its express powers and functions specified in this Title."

¹⁰ Inquiry Docket, OPA Comments at 2 (Apr. 2, 2021).

¹¹ *Id.* at 3.

¹² Inquiry Docket, AARP Comments at 3 (Apr. 1, 2021).

¹³ Inquiry Docket, CMP Comments at 5 (Apr. 2, 2021).

regarding this issue and requests that commenters suggest and explain different approaches for allowing the COUs to timely recover the added costs of the proposed LIAP, as well as options to annually reconcile revenues and costs to account for variations in LIAP participation and electricity sales.

The proposed rule changes are described below. While the Commission has invited comment on specific issues, commenters may comment on all aspects of the proposed rule.

A. Definitions (Section 1)

The proposed rule adds definitions related to expansion of the program to participants of DHHS administered programs.

B. Required Design Features of a LIAP (Section 4)

1. Eligible Customers (Section 4(A))

Section 4(A) of the proposed rule expands the program eligibility criteria to include customers who are at or below 150% of the poverty guidelines and who participate in any DHHS administered program.

2. LIAP Administration (Section 4(B))

Section 4(B) of the proposed rule adds language to reflect the administration role the utilities will have regarding enrolling eligible DHHS program participants.

3. Benefit Levels (Section 4(E))

Section 4(E) of the proposed rule deletes language that is no longer necessary as Section 4(A) of the proposed rule establishes a ceiling of 150% of the Federal Poverty Guidelines for program eligibility.

4. Lump Sum Benefit Program (Section 4(F))

Section 4(F)(1) of the proposed rule deletes some outdated language. Section 4(F)(2) of the proposed rule adds a “minimum benefit amount.” Both CMP’s percentage of income program and the other utilities’ lump sum benefit program use a formula that uses household income and anticipated usage to calculate the benefit amount. Sometimes these formulas result in a *de minimus* benefit amount because the household’s income is sufficient to cover the anticipated cost of electricity.¹⁴ To avoid the administrative cost of adding a *de minimus* benefit to a customer’s account, the proposed rule directs the utilities to establish a minimum benefit amount that eligible participants may receive. Any benefit under this amount will not be

¹⁴ During this LIAP year, the highest income participants in Versant’s northern district received a \$3.00 annual LIAP benefit.

provided. For example, if the utility establishes a \$20.00 minimum benefit level, any participant whose calculated benefit amount is less than \$20.00 will not receive a benefit.

5. Enrollment (Section 4(G))

As noted above, the Commission is concerned regarding the ambiguity around the potential increase in LIAP participants and the associated increase in the cost of the program. Because of this ambiguity, there is a strong possibility that enrollments will exceed apportioned funding amounts for some utilities. With this in mind, Section 4(G) of the proposed rule directs T&D utilities to cease enrolling new participants in the utility's LIAP if its apportionment is fully spent. This "first come first serve" approach would be easy to administer and would not result in a reduction in benefit amounts for existing participants. A draw back to this approach is that some existing LIAP participants may not receive a benefit if funds are fully exhausted prior to them re-enrolling in the program.¹⁵ Another approach would be to provide benefits in two installments, with 50% of the benefit being provided in the first installment at the time the customer enrolls in the LIAP. Once all customers have been enrolled, the utilities could make the second installment based on the remaining funding amounts. This approach increases the likelihood that all participants receive a benefit, however, it could also potentially reduce the total benefit amount for existing LIAP participants. The Commission invites comment on these or other approaches.

6. Relationship to Energy Management Services (Section 4(I))

The proposed rule adds a reference to programs offered by the Trust. The original rule language predated the creation of the Trust.

7. Benefits Provided to Customers Using Oxygen Pumps or Ventilators, Eligibility (Section 4(L)(3)(a))

Section 4(L)(3)(a) of the proposed rule clarifies that transmission and distribution utilities shall provide a credit to participants that qualify pursuant to the eligibility requirements in Section 4(A) of the rule in addition to submitting the certification required by Section 4(L)(2) of the rule.

¹⁵ LIAP participants are currently enrolled between October 1 and the following April 30. This is the time-period that LIHEAP typically enrolls customers, who are in turn enrolled in the LIAP. Once a customer is enrolled in a LIAP, they participate for a full 12 months, or until their next LIHEAP appointment. If their LIAP appointment occurs after a utility's LIAP funds are fully spent, the customer will not receive a benefit.

C. Statewide Low-Income Assistance Plan Funding (Section 5)

1. Transmission and Distribution Utilities' Funding Obligation for the Statewide Low-Income Assistance Plan for LIAP Program, LIAP Benefits (Section 5(B)(1))

Section 5(B)(1) of the proposed rule increases the overall funding amount of the program from \$7,871,938 to \$11,871,938 to allow for the increase in participants expected when LIAP is expanded to include DHHS program participants. As discussed above, the Commission anticipates modifying this funding amount in the future when it has a clearer understanding of the actual number of additional participants.

2. Modifications to Assessment Level, Oxygen Pump and Ventilator Benefit Costs (Section 5(C)(2))

Section 5(C)(2) of the proposed rule provides the Commission with the ability to consider other factors that affect the cost of electricity, in addition to the previous year's funding level, when establishing funding levels for the oxygen pump and ventilator programs. The proposed rule also deletes some outdated language.

3. Apportionment of Funds (Section 5(D))

Section 5(D) of the proposed rule adds language to reflect expansion of the program to DHHS program participants. The proposed rule also deletes some outdated language regarding apportionment. While the LIAP benefits are apportioned the benefits for the oxygen pumps and ventilators programs are not apportioned.

D. Statewide Low-Income Assistance Plan and LIAP Administration: Role of the MSHA and the DHHS (Section 6)

1. Role of MSHA (Section 6(A))

Section 6(A) of the proposed rule deletes some language that the Commission does not believe is necessary.

2. Role of DHHS (Section 6(B))

Section 6(B) of the proposed rule explains the role that DHHS will play in the administration of the Statewide LIAP. The proposed rule specifies that DHHS will annually send a notification to all households participating in a DHHS administered program that are at or below 150% of the federal poverty guidelines notifying the household of the existence of the LIAP and of the household's eligibility to participate in the LIAP. The notification will be sent to 50% of the eligible households in October and the remaining 50% will be sent in November. The notification will include: 1) address; 2) the eligible household's total income amount 3) "percent of the federal poverty

guidelines” for the household, and 4) a blank line for the participant to write in their utility account number; and will direct the household to contact the utility to enroll in the LIAP.

The Commission seeks comment on this proposed provision. Is there additional information that DHHS should include in its notification letters? Is the timing proposed for the two mailings appropriate?

E. Obligations of Transmission and Distribution Utilities (Section 7)

1. Notice to Customers (Section 7(A)(1))

Section 7(A)(1) of the proposed rule corrects an outdated rule reference (Section 81 of the Commission’s rules was subsequently replaced by Chapter 815).

2. Enrollment of DHHS Program Eligible Customers (Section 7(B))

Section 7(B) of the proposed rule requires transmission and distribution utilities to enroll customers determined eligible for a means-tested program administered by the DHHS and whose household income is found to be at or below 150% of the federal poverty guidelines upon receipt of the notification provided by the DHHS to the customer. Unlike LIHEAP participants who are enrolled in the utility LIAPs primarily by CAP agencies or MSHA, transmission and distribution utilities will need to enroll eligible participants of DHHS administered programs.

The proposed rule also provides the transmission and distribution utilities with the flexibility to allow participants to enroll electronically using a form on its website or to manually enroll eligible customers. In both of these situations, the potential eligible customer must provide an electronic or paper copy of the DHHS notice to verify the customer’s eligibility for the LIAP.

We seek comment on this provision. The proposed rule strives to minimize the administrative burden placed on utilities in association with the enrollment process. Are there alternative ways for these enrollments to be completed that are less administratively burdensome to utilities? Does the proposed rule achieve the appropriate balance between administrative ease of enrollment for both customers and utilities with the need to verify eligibility?

3. Reporting (Section 7(E))

Section 7(E) of the proposed rule deletes some outdated language.

4. Record Maintenance (Formally Section 7(E))

The proposed rule deletes Section 7(E) of the existing rule because it is not apparent to the Commission what the need is for the statistics related to the oxygen pump and ventilator program being retained by the utilities for five years.

IV. RULEMAKING PROCEDURES

This rulemaking will be conducted according to the procedures set forth in 5 M.R.S. §§ 8051-8064. A public hearing will be held on the proposed rule on **February 10, 2022 at 2:00 p.m.** via Microsoft Teams. For those wishing to participate by video link, please contact the Hearing Examiner at: paulina.collins@maine.gov for a link. For those wishing to participate by telephone, the telephone number is:

Phone number: (207) 209-4724

Conference ID: 834 052 072#

Written comments on the proposed rule may be filed with the Administrative Director until close of business on **February 22, 2022**.¹⁶ However, the Commission requests that comments be filed by close of business on **February 7, 2022** to allow for follow up inquires during the hearing. Supplemental comments may be filed after the hearing. Written comments should refer to the docket number of this proceeding, Docket No. 2021-00400, and be filed using the Commission's case management system (CMS) which is accessible from the Commission's website.

In accordance with 5 M.R.S. § 8057-A(1) and 8063, the Commission expects there to be no fiscal impact of the proposed rule and no cost to municipalities and counties for implementing or complying with the proposed rule. Further, the proposed rule is not expected to impose any economic burden on small businesses. The Commission invites all interested parties to comment on the fiscal impact and all other implications of the proposed amended rule.

Accordingly, the Commission

O R D E R S

1. That the Administrative Director shall notify the following of this rulemaking proceeding:
 - a. All electric transmission and distribution utilities in the State;
 - b. The Office of the Public Advocate;
 - c. All persons on the notification list in *Maine Public Utilities Commission Inquiry Regarding Request to Expand Participation in Maine's Low-Income Assistance Program*, Docket No. 2021-00061; and

¹⁶ The NOR issued in this docket on January 11, 2022 stated that final written comments on the proposed rule are due by close of business on February 21, 2022. The January 13, 2022 Procedural Order noted that as that is a State holiday, comments are due by close of business February 22, 2022. Chapter 110, Section 4(C) of the Commission's rules states that if the period of time ends on a day that is not a regular business day, the period will end on the next business day.

- d. All persons who have filed with the Commission within the past year a written request for notice of rulemakings.
- 2. That the Administrative Director shall send notice of this rulemaking and the attached proposed rule to:
 - a. The Secretary of State for publication in accordance with 5 M.R.S.A. § 8053(5); and
 - b. Executive Director of the Legislative Council, 115 State House Station, Augusta, Maine 04333-0115.

Dated at Hallowell, Maine, this 11th day of January, 2022.

BY ORDER OF THE COMMISSION

/s/ Harry Lanphear

Harry Lanphear
Administrative Director

COMMISSIONERS VOTING FOR: Bartlett
 Davis
 Scully

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S. § 9061 requires the Public Utilities Commission to give each party at the conclusion of an adjudicatory proceeding written notice of the party's rights to seek review of or to appeal the Commission's decision. The methods of review or appeal of Commission decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 11(D) of the Commission's Rules of Practice and Procedure (65-407 C.M.R. ch. 110) within **20** days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought. Any petition not granted within **20** days from the date of filing is denied.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within **21** days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S. § 1320(1)-(4) and the Maine Rules of Appellate Procedure.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S. § 1320(5).

Pursuant to 5 M.R.S. § 8058 and 35-A M.R.S. § 1320(6), review of Commission Rules is subject to the jurisdiction of the Superior Court.

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.