**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio ) Case No. 20-1344-EL-UNC

Edison, The Cleveland Electric Illuminating )

Company, and The Toledo Edison Company ) Case No. 20-1345-EL-WVR

to Safely Resume Activities to Pre-COVID-19 )

Levels and Requests for Waivers. )

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**COMMENTS**

**BY OHIO PARTNERS FOR AFFORDABLE ENERGY**

1. **INTRODUCTION**

On March 12, 2020, the Public Utilities Commission of Ohio (“Commission”) initiated Case No. 20- 591-AU-UNC, In the Matter of the Proper Procedures and Process for the Commission’s Operations and Proceedings During the Declared State of Emergency and Related Matters. (“State of Emergency Proceeding”) The Commission then issued an Entry that, due to the declaration of a state of emergency, “directs all public utilities under its jurisdiction to review their service disconnection policies, practices, and tariff provisions and to promptly seek any necessary approval to suspend otherwise applicable requirements that may impose a service continuity hardship on residential and nonresidential customers or create unnecessary COVID-19 risks associated with social contact.”

On July 31, 2020, Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company (collectively, “FirstEnergy”) filed a transition plan and requests for waivers. Ohio Partners for Affordable Energy offers the following comments on the proposed transition plan and waiver requests.

1. **COMMENTS**
2. **Resumption of disconnections for non-payment**

FirstEnergy proposes that disconnection notices received after September 15, 2020, will be actionable. Customers will be made aware of assistance programs and payment plan options through a series of robocalls and bill messages. FirstEnergy also proposes an approach to provide written notice on the day of disconnection or the delivery of a written notice, following appropriate COVID-19 precautions. While OPAE would prefer that the resumption of disconnections be delayed until the start of the Winter Reconnect Order, the proposal is consistent with others approved by the Commission.

1. **Resumption of requirements for service restoration**

FirstEnergy proposes to begin providing notices that standard reconnection terms will be back in place no later than 21 days prior to implementation of regulatory requirements to pay a reconnection charge, make up missed payments, and levy a deposit. For customers reconnected prior to September 15, customers will remain responsible for past arrearages, but will not be billed a reconnection charge. Further, the Companies commit to implementing the Winter Reconnect Order.

OPAE suggests that suspending reconnection fees and deposits be suspended until the implementation of the Winter Reconnect Order, an approach recently approved by the Commission in the Dominion East Ohio Transition Plan. See Case No. 20-600-GA-UNC, Finding and Order (July 15, 2020) at 14, ¶40. Dominion also pledged to be flexible on downpayments, and to credit downpayments against arrears when developing payment plans. There is significant overlap between the Dominion and FirstEnergy service territories, so have parallels between the two transition plans will be helpful to ensuring customer understanding and compliance. Restarting deposits and reconnection fees at the time the Winter Reconnect Order is implemented would provide a level of standardization that should make the transition more workable for consumers who have lost income during the pandemic. OPAE urges the Commission to remain flexible in designing responses to the COVID-19 emergency, including being willing to issue orders to once again prevent disconnections.

1. **Resumption of late payment charges**

FirstEnergy proposes to not bill customers for late payment fees waived between April 3 and September 15, 2020, and to restart late payment charges on or after September 15, 2020. OPAE supports not billing customers for late fees during the period of the disconnection moratorium, and restates that it believes late payment charges not be levied until the Winter Reconnect Order is implemented.

1. **Resumption of standard payment plans**

FirstEnergy proposes to cease offering ‘enhanced’ payment plans – up to 12 months with little or no downpayment – on September 15, 2020, and revert to the Commissions standard payment plans, though it will honor the previously approved plans. OPAE notes, as the Commission has in a number of transition plan cases, that utilities have a responsibility to attempt to negotiate a payment plan with a customer prior to offering one of the payment plans contained in Commission regulations. Sed O.A.C. 4901:1-18-05. FirstEnergy needs to follow this requirement. The negotiated plan should focus on the customer’s ability to pay, and not be limited to nine or twelve months; it should be a plan that a customer can reasonably comply with. The existing ‘enhanced’ plans should be continued throughout the winter heating season. Keeping customers connected and paying what they can reasonably afford must be the priority.

1. **PIPP Plus, Home Energy Assistance Summer Crisis Program, and other customer assistance programs**

FirstEnergy indicates that it is coordinating with the Ohio Development Services Agency (“ODSA”) on PIPP Plus, and is willing to accept Summer Crisis Program payments through September. It is also communicating the availability of the assistance programs to customers. ODSA is responsible for managing electric PIPP Plus and the Home Energy Assistance Program, and the utilities should follow its decisions.

1. **In-premise meter reading and other activities that would require in-person contact**

FirstEnergy proposes to once again begin in-premise meter readings, service disconnections, and collections activities, while following COVID-19 prevention protocols. OPAE urges the Companies to be flexible in this area, particularly when the customer is in a high-risk category for the COVID-19 virus, and avoid unnecessary interactions when possible.

1. **Request for waivers**

FirstEnergy requests waivers of two Commission rules: 1) a requirement that a utility file a report when the average answer time averages more than 90 seconds twice in a twelve-month period; and, 2) that the Company accept payment in the field prior to disconnection. OPAE takes no position on the first waiver request, deferring to Staff on the appropriateness of the request. Our network also expects a surge of calls when disconnections begin, and appreciates the challenges all organizations involved in utility billing and payments will face.

OPAE cannot support the second waiver request. FirstEnergy is requesting a permanent waiver, without justification. FirstEnergy is willing to re-enter homes to disconnect customers. Why is it opposed to accepting payments from customers? Even if a temporary waiver was warranted because of the pandemic, which it is not, the Companies offer no evidence of why denying customers to right to pay a bill in person is a right that should be permanently waived. FirstEnergy knows how often customers avail themselves of this payment option, but neither that information nor any other justification is included to justify the waiver request. The Commission should reject a request that not supported by evidence.

1. **CONCLUSION**

OPAE’s member nonprofit agencies are beginning to see a surge in the number of customers responding to the news that moratoria are expiring. It will be critical for the utilities to continue to work closely with the network, ensuring that customers with appointments for assistance are taken off disconnection lists promptly. The processing timelines for assistance may need to be extended depending on how efficiently ODSA is able to process payments. The OPAE agency network commits to doing its best. Agencies restructured intake processes so customers can apply by phone, through a drop box, or online, with a few agencies continuing to see clients in-person, following appropriate protocols. Still, the network will be stretched to serve the number of clients we anticipate. There is not an unlimited amount of funding to pay for intake, and fees charged natural gas utilities to handle PIPP intake do not cover the cost of providing the service. We ask the utilities to be flexible and focus on keeping customers connected with a mixture of assistance, the Winter Reconnect Order, and payment plans. Many families, including those that have never missed a payment, are coping with huge disruptions including lost jobs, health insurance, and evictions or foreclosures. Treating customers as individuals and working with them rather than against them is necessary during these tumultuous times.

/s/ David C. Rinebolt David C. Rinebolt (0099353)

(Practice temporarily authorized

pending admission under Gov. Bar R. 1, Sec. 19.)

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**CERTIFICATE OF SERVICE**

I certify that The Public Utilities Commission of Ohio’s e-filing system will electronically serve notice of the filing of this document on the parties referenced on the service list of the docket card who have electronically subscribed to the case.

/s/ David C. Rinebolt

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