**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

|  |  |  |
| --- | --- | --- |
| In the Matter of the Application of Ohio Power Company for Approval of its Temporary Plan for Addressing the COVID-19 State of Emergency.In the Matter of the Application of Ohio Power Company for Waiver of Tariffs and Rules Related to the COVID-19 State of Emergency.In the Matter of the Application of Ohio Power Company for Approval of Certain Accounting Authority. | ))))))))))) | Case No. 20-602-EL-UNCCase No. 20-603-EL-WVRCase No. 20-604-EL-AAM |

**REPLY TO OHIO POWER COMPANY’S MEMORANDUM CONTRA OCC’S MOTION TO PROTECT PIPP CUSTOMERS DURING THE TRANSITION TO RESUME NORMAL OPERATIONS**

**BY**

**LEGAL AID SOCIETY OF COLUMBUS**

**OFFICE OF THE OHIO CONSUMERS’ COUNSEL**

**OHIO POVERTY LAW CENTER**

**SOUTHEASTERN OHIO LEGAL SERVICES**

# INTRODUCTION

The Percentage of Income Payment (“PIPP”) electric program is designed to help consumers stay connected to their electric service by paying their electric bills based on a percentage of their income rather than the entire bill. AEP was ordered to coordinate resuming normal PIPP operations (removing consumers from PIPP if the requirements are not met) with the Ohio Development Services Agency (“ODSA”), the state agency responsible for administering the PIPP electric program.[[1]](#footnote-2) According to a letter filed by AEP, ODSA informed

AEP that it will not resume normal PIPP operations (including removing customers from PIPP) until at least January 2021.[[2]](#footnote-3) But AEP Ohio has unilaterally decided that low income Ohioans don’t need the extra protection of the PUCO’s Emergency Order and have informed the PUCO that they will end the protections and instead start removing consumes from the electric PIPP program.[[3]](#footnote-4) AEP’s plan to resume removing consumers from the PIPP program before January 2021 is more aggressive than any other electric utility in the state, and should be rejected to protect consumers.[[4]](#footnote-5)

To protect consumers, the PUCO should prevent AEP from removing customers from electric PIPP until no earlier than January 2021. This will give consumers the same protection offered by ODSA.

# RECOMMENDATIONS

1. AEP’s claim that moving the date by which PIPP customers must be current to October 2020 was intentionally timed to allow customers access to additional benefits under the winter crisis program is factually incorrect and should be rejected to protect consumers.

The winter crisis program is funded through the federal Low-Income Home Energy Assistance Program (“LI-HEAP” or “HEAP”) grant that is administered through the ODSA. The winter crisis program will be available between November 1, 2020 and May 1, 2021.[[5]](#footnote-6) Under the winter crisis program low-income consumers are protected against having their electric service terminated through bill payment assistance.

AEP claims in its Memo Contra that moving the date by which PIPP customers must be current to October 2020 was intentionally timed to allow customers to seek financial assistance from the winter crisis program.[[6]](#footnote-7) But AEP’s claim is factually incorrect.

PIPP customers are receiving notices on their bills *now* (the October bill), advising that they must be current on all PIPP payments.[[7]](#footnote-8) And financial assistance under the winter crisis program is not available to assist customers until November 1, 2020.[[8]](#footnote-9) AEP’s unilateral plans for noticing customers that they will be removed from PIPP beginning in October is occurring *a full month* before the federal assistance becomes available. This contradicts AEP’s claim that it is timed to assist consumers.

AEP is accelerating the PIPP requirements unnecessarily and at the worst time. Many of AEP’s at-risk, low-income PIPP customers are struggling to find money for shelter, food, medications, and other life essential needs for the health and safety of their families. AEP’s plan is contrary to the more protective and measured approach (resuming drops will not occur until January 2021, *at the earliest*) planned by the ODSA, the state government that administers the electric PIPP program.

Given the critical health and safety role that electric PIPP serves in protecting at-risk Ohioans, particularly during a once-in-a-lifetime pandemic, AEP’s plan (which could potentially remove customers from the program prematurely) should be rejected. To protect consumers, the PUCO should prevent AEP from removing customers from electric PIPP service until no earlier than January 2021, or when the ODSA determines it is safe to resume removing customers from electric PIPP.

1. AEP’s assertion that the Consumer Groups’ proposal provides PIPP customers less protection is also factually incorrect and should be rejected to protect consumers.

AEP claims that the Consumer Groups’[[9]](#footnote-10) recommendation to resume normal PIPP operations in January 2021 is “30 days less than the Company’s current proposal for the PIPP customers.” But that is also factually incorrect.[[10]](#footnote-11) AEP proposes dropping PIPP customers who are not current on their payments *before* their December bills.[[11]](#footnote-12)

In its letter to the PUCO explaining its communication with ODSA, AEP states that “[b]ill messages will appear on past due PIPP Plus customers’ bills in October 2020 and November 2020 urging customers to bring the missed PIPP Plus payments current, with drops occurring **prior to the December 2020 bill** if the past due PIPP payments are not paid” (emphasis added).[[12]](#footnote-13) This is a full month *earlier* than the Consumer Groups’ recommendation that AEP not remove any PIPP customers involuntarily for failure to the requirements until no earlier than January 2021.[[13]](#footnote-14)

The PUCO should reject AEP’s argument that its plan provides more protection for consumers than what ODSA has selected and what the Consumer Groups recommended. The PUCO should require AEP to delay PIPP disconnections until January 2021, at the earliest.

1. To consumers’ detriment, AEP unreasonably assumes that financial assistance from the winter crisis program can be secured by PIPP customers in November 2020, before AEP begins the December 2020 disconnections.

AEP’s plan is to notify PIPP customers in October that if they are not current as of their anniversary date (which AEP reset to October 2020), then they will be removed from the PIPP program in December.[[14]](#footnote-15) In its Memo Contra, AEP asserts that its plans to move the date by which consumers must be current on their payments under the PIPP program to October 2020, and resume PIPP disconnections in December, was intentional. According to AEP, this date is key for customers to have the opportunity to use benefits such as the winter reconnect order and winter crisis funds.[[15]](#footnote-16) Such funds can be utilized by a PIPP customer to become current under the PIPP program.[[16]](#footnote-17)

But AEP’s plan will not help consumers because its assumption that consumers will have access to financial assistance before December 2020 is unreasonable. Due to the coronavirus pandemic, it is highly likely that a large number of Ohioans will be applying for the winter crisis program as soon as the funds become available on November 1. With the groundswell of families who will likely be applying for winter crisis program assistance in November, it is not reasonable for AEP to assume that customers can obtain the necessary financial assistance before being dropped in December. It simply may not be possible for PIPP customers to secure the help they need in November because of the large number of Ohioans who are also seeking help from the same community agencies at the same time.

The coronavirus pandemic has taken an incalculable toll on the lives and well-being of many Ohioans, including PIPP customers served by AEP. And the coronavirus emergency is far from being over. ODSA wisely scheduled a *tentative* date for January 1, 2021 for resumption of normal PIPP operations.[[17]](#footnote-18) ODSA also readily acknowledges the fact that the danger from coronavirus is far from over and that a reevaluation of resuming “normal” PIPP operations will occur in December.[[18]](#footnote-19) Because ODSA administers both PIPP and HEAP funds and has oversight of the community agencies that help make these programs available for Ohioans, it knows better than AEP when these customers need help. The PUCO should prevent AEP from dropping customers from electric PIPP service until ODSA determines it is safe to do so, but no earlier than January 2021.

# CONCLUSION

The most vulnerable Ohioans’ struggles have been made that much worse by the coronavirus pandemic. The PUCO should not allow AEP to pile on the hardship. The PUCO should require AEP to maintain electric PIPP program consumer protections until ODSA determines it is safe to resume disconnections, but no sooner than January 2021.

Respectfully submitted,

|  |  |
| --- | --- |
| Bruce Weston (0016973) Ohio Consumers’ Counsel*/s/ Ambrosia E. Wilson*William J. Michael (0016973)Counsel of RecordAmbrosia E. Wilson (0096598)Assistant Consumers’ Counsel**Office of the Ohio Consumers' Counsel**65 East State Street, 7th FloorColumbus, Ohio 43215-4213Telephone: [Michael]: (614) 466-1291Telephone: [Wilson]: (614) 466-1292William.michael@occ.ohio.govambrosia.wilson@occ.ohio.gov  | */s/ Susan Jagers*Susan Jagers (0061678)**Ohio Poverty Law Center**1108 City Park Ave. Suite 200Columbus, OH 43206614-824-2501sjagers@ohiopovertylaw.org(will accept service via e-mail) |
| */s/ Peggy P. Lee*Peggy P. Lee #0067912Senior Staff Attorney II**Southeastern Ohio Legal Services**964 E State StAthens, OH 45701740.594.3558Direct: 614.827.0516Fax: 740.594.3791plee@seols.org(will accept service via e-mail) |
| */s/ Melissa Baker Linville*Melissa Baker Linville (0088163)Staff Attorney**The Legal Aid Society of Columbus**1108 City Park Ave. Columbus, OH 43206(614) 737-0155Mlinville@columbuslegalaid.org |

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of this Reply has been served via electronic transmission upon the following parties of record this 1st day of October 2020.

 */s/ Ambrosia E. Wilson*

 Ambrosia E. Wilson

 Assistant Consumers’ Counsel

The PUCO’s e-filing system will electronically serve notice of the filing of this document on the following parties:

**SERVICE LIST**

|  |  |
| --- | --- |
| John.jones@ohioattornegeneral.govmpritchard@mcneeslaw.comrglover@mcneeslaw.comrdove@keglerbrown.commkurtz@BKLlawfirm.comkboehm@BKLlawfirm.comjkylercohn@BKLlawfirm.compaul@carpenterlipps.comAttorney Examiners:Sarah.parrot@puco.ohio.govGreta.see@puco.ohio.gov | stnourse@aep.comcmblend@aep.comBethany.allen@igs.comJoe.oliker@igs.comMichael.nugent@igs.comBojko@carpenterlipps.comdborchers@bricker.comdparram@bricker.commleppla@theOEC.orgtdougherty@theOEC.orgctavenor@theOEC.org |

1. Supplemental Finding and Order (August 12, 2020) at 13. [↑](#footnote-ref-2)
2. Notice confirming how PIPP and Graduate PIPP programs will begin to resume their normal operations submitted by Ohio Power Company (August 21, 2020) at 1 (“Letter”). [↑](#footnote-ref-3)
3. *Id*. [↑](#footnote-ref-4)
4. Case No. 20-599-GE-UNC, Notice of Duke Energy Ohio (September 1, 2020); Case No. 20-651-EL-UNC, DP&L’s Notification Regarding PIPP and Graduate PIPP Programs (August 21, 2020). [↑](#footnote-ref-5)
5. Ohio Development Services Agency, HEAP Winter Crisis Program, <https://development.ohio.gov/is/is_heapwinter.htm> (last visited September 29, 2020). [↑](#footnote-ref-6)
6. AEP Memo Contra (September 24, 2020) at 2. [↑](#footnote-ref-7)
7. *Id.* [↑](#footnote-ref-8)
8. *See* Note 6, *supra*. [↑](#footnote-ref-9)
9. AEP Memo Contra at 3. [↑](#footnote-ref-10)
10. *Id.* [↑](#footnote-ref-11)
11. Letter at 2. [↑](#footnote-ref-12)
12. *Id.* [↑](#footnote-ref-13)
13. Consumer Groups Motion (September 17, 2020) at 2. [↑](#footnote-ref-14)
14. Letter at 1-2. [↑](#footnote-ref-15)
15. AEP Memo Contra at 2. [↑](#footnote-ref-16)
16. *Id.* [↑](#footnote-ref-17)
17. Letter at 1. [↑](#footnote-ref-18)
18. *Id.* [↑](#footnote-ref-19)