

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of) Case No. 16-1096-EL-WVR
Duke Energy Ohio, Inc. for a Waiver.)

**INITIAL COMMENTS
BY
COMMUNITIES UNITED FOR ACTION,
THE OFFICE OF THE OHIO CONSUMERS' COUNSEL,
AND PRO SENIORS, INC.**

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I. INTRODUCTION

This case involves a request – by the utility with highest rate in the state for disconnecting electric residential consumers for nonpayment¹ – to nullify the rights of thousands of Ohioans to be personally notified if electric service is disconnected for nonpayment. The Public Utilities Commission of Ohio (“PUCO”) requires electric utilities to provide residential consumers with in-person notice on the day their service is to be disconnected for nonpayment.² If the customer (or an adult consumer) is not at home, electric utilities must attach a written notice to the customer’s home in a conspicuous place prior to disconnection.³ The in-person notice requirements are essential to customers and their families because the requirements provide them with a last and best opportunity to avoid disconnection of electric service. And in-person notice is important in ascertaining whether shutting off the electricity could cause tragic consequences for consumers in the home.

¹ See OCC Motion to Intervene and Objections (June 17, 2016) at 11.

² Ohio Adm. Code 4901:1-18-06(A)(2).

³ *Id.*

Duke Energy Ohio, Inc. (“Duke”) seeks to avoid complying with the in-person notification requirements in the PUCO’s rules. Instead, Duke wants to use text messages and/or robocalls to notify residential electric customers whose homes are equipped with advanced metering infrastructure (“advanced meters”) that their electric service is about to be terminated.⁴ This would apply to nearly all Duke residential electric customers.⁵ With the waiver, Duke could utilize the remote disconnection function of its advanced meters to disconnect residential electric customers for nonpayment by remote control, without making personal contact with customers.⁶

In response to the Entry issued in this case on August 5, 2016, Communities United for Action (“CUFA”),⁷ the Office of the Ohio Consumers’ Counsel (“OCC”)⁸ and Pro Seniors, Inc. (“Pro Seniors”)⁹ file Comments on the Application and its amendment. The Amended Application contains many of the flaws found in the Application.¹⁰

⁴ See Application for a Waiver by Duke Energy Ohio, Inc. (“Application”) (May 13, 2016); Amended Application for a Waiver by Duke Energy Ohio, Inc. (“Amended Application”) (July 22, 2016). Duke did not explain the reason for amending the Application.

⁵ As of October 15, 2015, only about 105 Duke residential customers have traditional meters, rather than advanced meters. See *In the Matter of the Application of Duke Energy Ohio, Inc. for Approval of a Grid Modernization Opt-Out Tariff and for a Change in Accounting Procedures Including a Cost Recovery Mechanism*, Case No. 14-1160-EL-UNC, Hearing Transcript at 35. In addition, approximately 400 other residential customers may still have traditional meters. See *id.* at 48-49. The waiver request apparently does not apply to customers with traditional meters. The PUCO should continue to require personal visits on the day of disconnection for those Duke customers who have traditional meters.

⁶ See Application at 1-2; Amended Application at 1.

⁷ CUFA is a multi-issue community organization that brings together organizations and communities representing a variety of cultural and ethnic backgrounds and economic levels, with particular emphasis on working class neighborhoods in Cincinnati’s Millcreek Valley.

⁸ Per R.C. 4911.02, OCC is filing on behalf of Duke’s 630,000 residential electric utility customers.

⁹ Pro Seniors, Inc. is a non-profit legal service provider located in Cincinnati, Ohio that works to expand economic opportunities and improve the quality of life for senior residents of Ohio. Pro Seniors is the only legal service provider in Ohio that is solely dedicated to advocating for the legal needs of Ohio senior citizens. Pro Seniors prioritizes serving low income seniors.

¹⁰ See Motion to Intervene and Motion to Dismiss filed by Ohio Partners for Affordable Energy (“OPAE”) (June 2, 2016) at 3-5; OCC’s Objections at 7-16; CUFA/Pro Seniors Joint Objections (June 29, 2016) at 1-3.

Further, Duke's Amended Application creates confusion regarding the nature of Duke's request. The Amended Application is an addition to or modification of the original Application, while also incorporating the original Application by reference.¹¹ Hence, it is unclear which portions of the original Application have been retained and which have been superseded by the Amended Application. In addition, Duke makes several claims in the Amended Application that lack support. For the reasons discussed herein and in previous filings in this case, the PUCO should deny Duke's waiver request.

II. STANDARD OF REVIEW

Under Ohio Adm. Code 4901:1-18-02(B)(3), the PUCO may waive any requirement, standard, or rule in Chapter 4901:1-18 for good cause shown. An application for a waiver must include the specific rule(s) requested to be waived. The waiver request must also provide sufficient explanation, by rule, to allow the PUCO to thoroughly evaluate the waiver request.

As discussed below, Duke has not shown good cause for the requested waiver. The PUCO should deny Duke's request.

III. COMMENTS

A. Allowing electric utilities to avoid in-person notice to residential customers prior to disconnection for nonpayment could jeopardize the health and safety of Ohioans.

Consumers depend on utility services in their daily lives. If that service is to be interrupted for nonpayment, the customer should receive in-person notice from the utility

¹¹ Amended Application at 1-2.

prior to disconnection. Duke tried unsuccessfully before to be granted authority to avoid the in-person notice requirements contained in the PUCO's rules. The PUCO previously denied Duke's request to forgo the in-person notice requirements of Ohio Adm. Code 4901:1-18-06(A)(2) for customers whose homes are equipped with advanced meters.¹² In that 2010 case, Duke sought to avoid providing in-person notice on the day of electric service termination to residential customers whose homes have advanced meters. In denying Duke's request, the PUCO ruled that "[w]ithout personal notification, or the display of notice, it is possible that customers may be unaware of the pending disconnection, or may believe that the lack of service is the result of an outage."¹³

In requiring in-person notice on the day utility service is to be disconnected, the PUCO sought to make customers aware that their service is being disconnected for nonpayment. The in-person notice is also important in ascertaining whether shutting off the electricity could cause tragic consequences for consumers in the home. And the in-person notice on the day of disconnection is the last and best opportunity for customers to avoid disconnection of electric service.¹⁴

Allowing electric utilities to avoid in-person notice and remotely disconnect service to residential customers will likely result in more Ohioans losing electric service

¹² *In the Matter of the Application of Duke Energy Ohio, Inc. for a Waiver of Certain Sections of the Ohio Administrative Code for SmartGrid Pilot Programs*, Case No. 10-249-EL-WVR, Entry (June 2, 2010) .

¹³ *Id.* at 7.

¹⁴ See CUFA/Pro Seniors Objections at 1-2.

to their homes.¹⁵ AEP Ohio has received a waiver of the in-person notice provision of the disconnection rules.¹⁶ Under its disconnection waiver, AEP Ohio may disconnect a residential customer's electric service for nonpayment without in-person notice on the day of disconnection notice only if the customer has an advanced meter. Hence, the waiver applies only to the 132,000 AEP Ohio customers who reside within AEP Ohio's Phase 1 gridSMART area ("Phase 1 area").¹⁷

AEP Ohio customers with advanced meters are being disconnected for nonpayment at a significantly higher rate than AEP Ohio customers who have traditional meters. In the gridSMART Phase 2 case,¹⁸ OCC witness James D. Williams compared data regarding disconnections for nonpayment in the Phase 1 area with the disconnection for nonpayment data for the rest of AEP Ohio's service territory.¹⁹ Mr. Williams noted that between June 1, 2015 and May 31, 2016,²⁰ AEP Ohio disconnected 135,872

¹⁵ There are related matters awaiting PUCO resolution for consumers regarding Duke's disconnections for nonpayment. On September 15, 2015, OCC and CUFA filed a complaint in Case No. 15-1588-GE-CSS regarding Duke's policies and practices concerning disconnection of residential customers' service for nonpayment. On that same day in the same case OCC also filed a Motion to Protect Consumers Against Wrongful Disconnection. Further there is pending since November 12, 2015 an OCC motion to compel answers from Duke in that case because Duke has refused to respond to discovery about the disconnection issues. See Duke Motion for a Protective Order to Stay Discovery Pending Resolution of its Motion to Dismiss (October 8, 2015); OCC Motion to Compel Responses to Discovery (November 12, 2015). Finally, there is the Pitzer complaint case involving two consumers who died after their utility service was disconnected. *Pitzer v. Duke Energy Ohio, Inc.*, Case No. 15-298-EL-CSS.

¹⁶ *In the Matter of the Application of Ohio Power Company for a Limited Waiver of Rule 4901:1-18-06(A)(2), Ohio Administrative Code*, Case No. 13-1938-EL-WVR.

¹⁷ A geographic quadrant confined to northeast Franklin County.

¹⁸ *In the Matter of the Application of Ohio Power Company to Initiate Phase 2 of Its gridSMART Project and to Establish the gridSMART Phase 2 Rider*, Case No. 13-1939-EL-RDR.

¹⁹ AEP Ohio serves customers in 61 of Ohio's 88 counties.

²⁰ AEP Ohio's waiver became effective August 1, 2015. Case No. 13-1938-EL-WVR, Entry (March 18, 2015) at 13.

residential customers for nonpayment.²¹ Of that number, 40,299 were residential customers in the Phase 1 area.²² Therefore, Mr. Williams showed, approximately 29.7 percent of AEP Ohio customers disconnected for nonpayment were in the Phase 1 area.²³ AEP Ohio residential customers who have advanced meters comprise approximately ten percent of the 1.3 million residential customers in AEP Ohio's service territory.²⁴ Hence, 29.7 percent of disconnections for nonpayment in AEP Ohio's service territory were in the area where only ten percent of AEP Ohio's customers reside. These customers are also the only residential customers in AEP Ohio's service territory who have advanced meters.

Thus, AEP Ohio residential customers with advanced meters are being disconnected for nonpayment at a disproportionately high rate compared to AEP Ohio residential customers without advanced meters. This is compelling evidence that waiver of the in-person notice requirements does indeed lead to more disconnections.

Similar results could occur if Duke is allowed to avoid in-person visits to residential electric customers on the day of disconnection. Given that Duke's percentage of disconnecting residential customers for nonpayment is the highest among Ohio electric utilities,²⁵ more Ohioans would be without electric service. This could jeopardize

²¹ Case No. 13-1939, Direct Testimony of James D. Williams (July 22, 2016) at 19, citing *In the Matter of the Annual Report of Service Disconnections for Nonpayment Required by Section 4933.123, Revised Code*, Case No. 16-1224-GE-UNC, Ohio Power Company's Report (June 30, 2016).

²² *Id.* at 20.

²³ *Id.*

²⁴ *Id.*

²⁵ See OCC Objections at 11. Although Duke's percentage of disconnecting residential customers for nonpayment declined somewhat in the 2016 report, it still is highest among Ohio's electric utilities. Between June 1, 2015 and May 31, 2016, Duke's disconnection percentage was 12.42% (78,234 disconnections out of 630,000 residential customers). AEP Ohio's was second at 10.57% (135,872 disconnections out of 1.3 million residential customers). See Case No. 16-1224-GE-UNC, Duke's Report (June 28, 2016) and Ohio Power Company's Report (June 30, 2016).

customers' health and safety, especially if the disconnection occurs during very hot or very cold weather.²⁶ The PUCO should not allow this to happen.

B. The Amended Application includes many of the same flaws that could harm consumers that are contained in Duke's original Application.

In-person notice requirements contained in the PUCO rules are an important protection for utility consumers. Any consideration to waive these rules based upon a utility's request should only be done under circumstances where the request is clearly articulated and any harm to consumers should be minimal, or not at all. That is not the case here.

The filings in response to the original Application noted several aspects of Duke's proposed waiver that could harm consumers. The Amended Application could result in many of the same harms to consumers.

Both OCC and OPAE noted that AEP Ohio's two-year pilot program concerning remote disconnection for nonpayment is not yet complete.²⁷ In fact, the term of the pilot is barely half over. The pilot is scheduled to be completed on August 1, 2017.²⁸ Hence, the full effect of AEP Ohio's pilot on consumers is not yet known.

Nevertheless, the results so far, discussed above, should give the PUCO pause before approving a second waiver – to Duke – that would be potentially harmful to consumers. Duke claims that its pilot will not increase the number of residential

²⁶ This is an issue in the *Pitzer* case, which is awaiting a PUCO decision.

²⁷ OCC Objections at 7-8; OPAE Motion to Dismiss at 4-5.

²⁸ *Id.* at 8.

customers who are disconnected for nonpayment.²⁹ But the data concerning disconnections for nonpayment in AEP Ohio's Phase 1 area since AEP Ohio was granted a waiver shows an opposite result. Before considering whether Duke's customers should be the unwitting subjects of another "pilot" (i.e., experiment) that could cause thousands more Ohioans in Duke's service territory to lose electric service at their homes, the PUCO should not consider another waiver until it has the benefit of the final data from AEP Ohio's pilot.

In its original Application, Duke stated that it would provide additional notice to customers prior to disconnection day and contact customers on the day of disconnection via a text message and an automated telephone call.³⁰ But even with the additional notice, the use of a text message and a robocall is a poor substitute for in-person contact by Duke on the day of disconnection.³¹ The Amended Application has this same flaw, or worse.³²

Calling or texting residential customers on the day of disconnection may have adverse consequences for unwary customers. Duke and other Ohio electric utilities have issued warnings about scam artists who call customers and threaten them with disconnection of utility service unless an immediate payment is made.³³ Duke, in fact, advises customers that it will never ask for credit or debit card numbers over the phone.³⁴

²⁹ Duke's Reply to OCC's Objections (June 29, 2016) at 9.

³⁰ Application at 5-6.

³¹ CUFA/Pro Seniors Joint Objections at 2-3; OCC Objections at 10.

³² As discussed below, under the Amended Application Duke may use either a text message or a robocall.

³³ See "Fraud Alert!" (<https://www.duke-energy.com/ohio/billing/fraudalert.asp>).

³⁴ *Id.*

Duke's proposed reliance on robocalls "and/or" text messages is inconsistent with Duke's alerts to customers.

If Duke uses a robocall to contact a customer on the day of disconnection, the customer may believe the call is a scam and hang up. The same may be true if Duke contacts the customer by text message; the customer may believe the text is a scam and ignore it. By hanging up on the call or ignoring the text message, the customer would lose electric service. Conversely, a customer who receives a scam call or text message might think that it's actually from Duke, and make a payment to the scam artist. Either way, the customer loses.

One consumer protection in having an in-person visit from a Duke service technician on the day of disconnection is that customers are more assured that they are dealing with Duke. Duke apparently trains its personnel to identify themselves when visiting customers' homes.³⁵ The in-person visit on the day of disconnection thus helps protect customers from being the victims of a scam.

C. The nature of Duke's proposal remains unclear, and to protect consumers the PUCO should require Duke to submit an application that describes its proposed waiver in one document.

1. It is unclear which portions of the original Application have been replaced by the Amended Application, and which portions of the original Application have been retained.

OCC's Objections noted that Duke's waiver request in the Application was vague.³⁶ OCC pointed out that the Application was unclear about customers who may be

³⁵ See Case No. 15-298-GE-CSS, Direct Testimony of Joshua W. Danzinger (December 30, 2015) at 8.

³⁶ OCC Objections at 8.

excluded from the waiver request,³⁷ the parameters of the “pilot,”³⁸ and protections for at-risk customers.³⁹ The Amended Application does not add clarity to the proposed waiver, and in fact creates further uncertainty.

In its Amended Application, Duke states that it is “incorporating measures not included in its initial Application.”⁴⁰ It is unclear, however, whether these measures are meant to replace the original Application or to augment it. Instead of clarifying this issue, Duke states that “[t]hese measures serve either as an addition to, or a modification of, the Company’s initial request for waiver, the contents of said Application which are incorporated by reference and fully restated herein.”⁴¹ This statement creates confusion regarding the exact nature of the amended waiver request.

For example, in the original Application Duke stated that on the day of disconnection it would try to contact the customer using *both* a text message *and* an automated phone call.⁴² The Amended Application, however, states that on the day of the scheduled disconnection Duke will attempt to contact residential customers “with a text *and/or* telephone message....”⁴³ The use of “and/or” in the sentence means that Duke could use one or the other – either a text message or a telephone message – or both, at its discretion. The Amended Application thus seems to provide even less consumer protection than the original Application. Residential customers who are about to be

³⁷ *Id.*

³⁸ *Id.* at 8-9.

³⁹ *Id.* at 12-13.

⁴⁰ Amended Application at 1.

⁴¹ *Id.* at 1-2.

⁴² Application at 5-6.

⁴³ Amended Application at 2.

disconnected for nonpayment should receive better notice than a robocall or an automated text message on the day of disconnection. The ideal notice to inform and protect consumers is in-person, at the customer's residence. That is the notice required under the Ohio Administrative Code.

Similarly, Duke has proposed using a text message and/or a telephone message to contact residential electric customers two business days before their service is scheduled for disconnection.⁴⁴ This is apparently an addition to the process outlined in the original Application. This proposed notification, however, also appears to allow Duke to use either an automated text message or a robocall to contact the customer. This has the same failing as Duke's proposed day of disconnection notice.

Duke has the burden of showing good cause for its requested waiver.⁴⁵ The waiver request is too vague to carry this burden. The PUCO should deny the waiver request.

2. Duke's applications are not clear that the proposed waiver applies only to electric-only residential customers and not to residential customers who receive both gas and electric service from Duke.

Duke provides both gas and electric service to residential customers. As discussed previously, in-person notice requirements in the PUCO rules are an important protection for utility consumers, and should not be waived arbitrarily. However, Duke's application does not clearly explain how the waiver will affect the electric, natural gas and/or combined consumers that Duke serves.

⁴⁴ *Id.* at 3.

⁴⁵ See Ohio Adm. Code 4901:1-18-02(B)(3).

The waiver request was filed in an “EL” docket at the PUCO, and thus it appears that Duke is not seeking to remotely disconnect gas customers. But the Application and the Amended Application are silent regarding residential customers who receive both gas and electric service from Duke. It should be made clear that the waiver request applies only to Duke’s electric-only residential customers who have advanced meters, and not to combined gas and electric customers.

Combined gas and electric customers who receive a notice of disconnection have the right to choose to retain either gas or electric service.⁴⁶ Duke should not be allowed to undermine such customers’ right to choose which service to retain by unilaterally disconnecting combined customers’ electric service, but leaving the gas service on.⁴⁷ Most gas appliances have electronic pilots that require electricity to operate. If a combined customer’s electricity is shut off, the customer’s gas appliances would be rendered useless. This could have tragic consequences for customers.

Customers who have combined gas and electric service should not lose the right to choose which service to retain when faced with service disconnection. It should be clear that the waiver request does not apply to service provided to combined gas and electric customers.

3. The nature of some of the data Duke proposes to report to the PUCO Staff is unclear.

Another unclear aspect of Duke’s Amended Application concerns the data to be submitted to the PUCO Staff for evaluating the “pilot.” The Amended Application

⁴⁶ Ohio Adm. Code 4901:1-18-09(A).

⁴⁷ This is an issue in the *Pitzer* case. See Case No. 15-298-GE-CSS, Direct Testimony of James D. Williams (December 30, 2015) at 12.

proposes several additional categories of data to be submitted to the PUCO Staff.⁴⁸ The additional proposed reporting categories include the number of remote-control residential disconnections for nonpayment that failed and the number of remote-control residential reconnections that failed.⁴⁹ Duke, however, does not explain how it would determine whether a disconnection or reconnection fails.

By contrast, two of the other additional categories proposed by Duke provide explanations of “successful” and “unsuccessful,” although they could be improved upon. Duke proposes a category for the number of successful automated telephone calls made two business days before disconnection and on the day of disconnection.⁵⁰ Duke explains that a “successful” call is one where “contact is made.”⁵¹ (But Duke does not explain what it means by “contact.”) Another category Duke proposes is for the number of unsuccessful automated telephone calls made two business days before disconnection and on the day of disconnection.⁵² An “unsuccessful” call, according to Duke, would be one where either the recipient hung up the telephone (but Duke does not specify at what point in the call the recipient would hang up the phone to be counted in this category) or was not identified as the customer of record (but Duke does not explain how the customer of record would be identified on the call).⁵³

⁴⁸ Amended Application at 3-4.

⁴⁹ *Id.* at 3.

⁵⁰ *Id.* at 2-3. Calls made two business days before disconnection and calls made on the day of disconnection should be separate categories.

⁵¹ *Id.* at 3.

⁵² *Id.* Again, calls made two business days before disconnection and calls made on the day of disconnection should be separate categories.

⁵³ *Id.*

Duke has provided no explanation as to how it would determine the number of remote-control residential disconnections for nonpayment that failed and the number of remote-control residential reconnections that failed. This adds to the uncertainty regarding the nature of Duke's waiver request. The PUCO should require Duke to resubmit its waiver request with explanations regarding these two categories and the categories discussed above.

D. Duke should not be allowed to charge a fee to customers whose electric service is reconnected by remote control.

Another issue implicated by Duke's waiver request involves the applicability of the charge to consumers who are remotely reconnected. In its Amended Application, Duke raises the issue of its reconnection charge. Duke states that although it *may* assess a higher charge for service reconnections made after normal business hours than for reconnections during normal business hours, it does not.⁵⁴ Duke states that this practice will continue during the term of the "pilot" for customers who are disconnected for nonpayment.⁵⁵ But Duke should not be charging for reconnecting electric service to customers who have advanced meters, period.

Duke's reconnection charges are based on the cost of service for sending a Duke service technician to the customer's premises to disconnect and then later to reconnect electric service. Duke has tariffed two types of charges for reconnecting electric service, one for reconnecting at the meter and another for reconnecting at the pole.⁵⁶ Each of these charges contemplates a service technician physically visiting the customer's

⁵⁴ *Id.* at 5.

⁵⁵ *Id.*

⁵⁶ See Duke Tariff P.U.C.O. No. 19, Sheet No. 92.3. Reconnection at the pole occurs where the service technician is unable to gain access to the meter (*id.*, ¶ D.), which is not the case with advanced meters.

premises to disconnect and then reconnect electric service, either at the meter or at the pole. Both are labor-intensive undertakings.

Advanced meters, however, eliminate the need for Duke to send a service technician to the customer's premises in order to reconnect electric service. This is because of the two-way communication function, and the remote disconnection and reconnection capability of advanced meters. As Duke noted in its Application, "As a result of this two-way communication and for those residential customers having such technology, the Company has the ability to disconnect and reconnect their service remotely, without sending a technician to physically perform the work."⁵⁷ Hence the need for the reconnection charge is eliminated when remotely reconnecting electric service for customers who have advanced meters.

Allowing Duke to charge a reconnection fee for electric service customers who have advanced meters would unjustly enrich Duke, at the expense of the customers whose service is being reconnected. In remotely reconnecting electric service to a customer who has an advanced meter, Duke no longer incurs the labor-intensive costs on which the reconnection charge is based. Hence, customers who have an advanced meter should not have to pay the reconnection charge. This is also true for those circumstances where Duke must send a service technician to the customer's premises because electric service could not be restored remotely due to a meter malfunction. Customers are paying for advanced meters, and should not have to pay additional charges because the meter or communication infrastructure failed to work properly.

⁵⁷ Application at 3.

E. Duke has not provided documentation to support its assertions regarding the effectiveness of using automated means to contact customers on the day of disconnection, and thus the PUCO should ignore such assertions in evaluating Duke's request to avoid in-person visits to residential customers with advanced meters on the day their electric service is disconnected.

In the event the PUCO were to grant the requested waiver (which it should not) there must be scrutiny given to the proposed methods intended to replace the in-person notice. In this case, Duke has proposed robocalls and text messages as the intended substitutes for in-person notice. However, has not provided documentation to enable the PUCO to evaluate the effectiveness of these methods for informing customers of impending disconnection of electric service.

Duke states that “the use of a text and/or telephone message on the day of the scheduled disconnection has been successful in reducing the number of disconnections actually completed.”⁵⁸ Duke contends that it continues to send a service technician to the customer's premises on the day of disconnection, but that “it recently employed the use of automated messages on the same day.”⁵⁹ Duke also makes specific claims regarding the effectiveness of sending automated text and/or telephone messages to customers on the day of disconnection.⁶⁰ But Duke did not file any documentation with the Amended Application to support these assertions.

The PUCO should not consider Duke's unsupported claims regarding the so-called effectiveness of using automated messages to contact customers on the day their electric service is to be disconnected. Without supporting documentation, Duke's

⁵⁸ Amended Application at 2.

⁵⁹ *Id.*, n. 7.

⁶⁰ *Id.* at 2-3.

contentions are without basis and are meritless. The PUCO should not accept such unsupported assertions.

If the PUCO wishes to evaluate Duke's claims, it should require Duke to submit supporting documentation. Such documentation should include specific customer records showing all the instances where Duke sent automated messages to customers on the day of disconnection, the dates and times Duke sent such automated messages, and the response from the customers who received the messages. Duke should not be allowed to merely file summaries of the customer records. Only the actual customer records should be used to support Duke's claims.

In addition, Duke should file the actual customer records on which it based its comparison of the effectiveness of using automated messages versus before automated messages were used.⁶¹ Duke should also explain why it limited its comparison to the 8 a.m. to 10 a.m. timeframe. Under the PUCO's rules Duke may disconnect electric service past 10 a.m.⁶²

There appears to be no PUCO directive for Duke to contact customers via automated messages on the day service was disconnected. Hence, there is nothing establishing the required content of such calls or the duration of any trial using such calls. The PUCO should not take Duke's assertions at face value.

⁶¹ Amended Application at 2, where Duke makes claims about the percentage of disconnection order cancellations that occurred between 8 a.m. and 10 a.m.

⁶² The only time restriction contained in the PUCO's rules is that utility service cannot be disconnected for nonpayment after 12:30 p.m. on any day preceding a day where reconnection cannot occur. Ohio Adm. Code 4901:1-18-06(A)(1).

IV. CONCLUSION

Duke has not shown good cause for its waiver request. Hence, Duke should not be allowed to eliminate in-person notice on the day of disconnection for nonpayment to residential electric service customers who have an advanced meter. The PUCO should deny Duke's waiver request.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Initial Comments was served on the persons stated below via electronic transmission this 19th day of August 2016.

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Summary: Comments Initial Comments by Communities United for Action, The Office of the Ohio Consumers' Counsel and Pro Seniors, Inc. electronically filed by Ms. Jamie Williams on behalf of Etter, Terry Mr.