

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of the	:	
Commission's Investigation of the	:	Case No. 17-2089-GE-COI
Disconnection Practices and Policies of	:	
Duke Energy Ohio, Inc.	:	

COMMENTS
SUBMITTED ON BEHALF OF THE STAFF OF
THE PUBLIC UTILITIES COMMISSION OF OHIO

INTRODUCTION

The Public Utilities Commission of Ohio (PUCO or Commission) initiated this case to evaluate Duke Energy Ohio, Inc.'s (Duke) disconnection practices and policies for both its gas and electric service. Duke's electric and gas customers must receive proper notices of disconnection and be provided opportunities to maintain utility services as provided by Ohio law. The Commission selected NorthStar Consulting Group (NorthStar) to perform the investigation, file a report, and recommend any steps that Duke should take to improve its disconnection practices. The initiation of this case resulted from complaint Case No. 15-298-GE-CSS in which the PUCO found that Duke failed to comply with the winter heating season requirements set forth in O.A.C. 4901:1-18-06(B) and because of this failure, the Commission ordered that a comprehensive audit of all Duke's disconnection practices occur.

RECOMMENDATIONS

NorthStar filed its Compliance Audit and Review on March 14, 2018. As established by Entry, April 27, 2018 is the deadlines for filing initial comments in response to NorthStar's audit report and May 18, 2018 is the deadline for filing reply comments. Staff timely files its initial comments in response to NorthStar's report. Below, in numbered paragraphs, Staff adopts many of the NorthStar Report's findings, providing a page reference to the NorthStar Report. Staff also recommends the manner that the Company may choose to implement the improved practice or policy.

1. **Page III-5.** Modify Duke Energy's website to prominently post customer rights and responsibilities. It is difficult to locate customers' rights and responsibilities because a search of the Company website does not provide a link.¹
2. **Page III-5.** When a bill insert is serving multiple purposes, the topics should not be co-mingled. The different purposes should be made more identifiable.
3. **Page III-14.** IT System issues related to the 20-day payment date. Duke reported that this problem has been resolved. Please provide an IT report or explanation of how this problem can be resolved.²
4. **Page III-14.** Improve system controls to ensure holidays are considered when mailing all notifications and required payment dates. Duke implemented a manual

¹ O.A.C. 4901:1-13-06(B) and 4901:1-10-12.

² O.A.C. 4901:1-10-22(B)(10) and 4901:1-13-11(D).

process to account for holidays. Please provide IT report or explanation of how this problem can be resolved.³

5. **Page III-14, #3.** For customers that take both gas and electric service from Duke, continue to provide subsequent disconnection notices when disconnection of one utility is not timely. Provide 10 day notice for each service (when customer is both gas and electric customer).
6. **Page III-14.** Investigate and address the frequency and cause of account actions that interrupt the automated collections timeline.
7. **Page III-15.** Develop exception reports to notify management when batch process timing issues occur. Please provide evidence of a resolution.
8. **Page III-15.** Clarify the language on the disconnect notices to remind the customer that they must call utility to use Winter Reconnect Order, *In the Matter of the Commission's Consideration of Solutions Concerning the Disconnection of Gas and Electric Service in Winter Emergencies for the 2017-2018 Winter Heating Season*, Case No. 17-1829-GE, Finding and Order (Sep. 13, 2017) (WRO). Duke should default customers to WRO if they pay \$175.00.⁴
9. **Page III-15.** In addition to a letter, send a reminder of disconnection via phone or text informing the customer that the medical certification is going to expire.

³ O.A.C. 4901:1-10-22(B)(10) and 4901:1-13-11(D).

⁴ *In the Matter of the Commission's Consideration of Solutions Concerning the Disconnection of Gas and Electric Service in Winter Emergencies for the 2017-2018 Winter Heating Season*, Case No. 17-1829-GE-COI (Finding and Order) (Sep. 13, 2017).

Please submit to Staff a copy of the letter that is sent. The letter should offer payment plan options.

10. **Page III-15.** Target active military customers to inform them about their rights. Bill inserts or information could be included in the customer bill of rights. If contacted by active military customers, place a notice on the account to avoid disconnection or provide call center representatives (CSR) training regarding military disconnection (manual cancels).⁵
11. **Page III-3-.** Modify the 14 day notice font size, graphics, colors, payment coupon, separate amounts for combo customers, explanation of consequences of default on payment plan. Consumers need to have their attention drawn to the disconnection.⁶
12. **Page III-30.** Train call center personnel to provide customers with the option of separating service, the past due amounts for gas and electric, and the extended payment plan amounts if the customer is considering separation of service. Customers must receive their options.⁷
13. **Page III-30.** Modify 10 day notice to include information on payment assistance and the specific amount owed. Without referring to an earlier bill, the 10 notice must provide what amount is owed.

⁵ R.C. 4933.12(E) and (F).

⁶ O.A.C. 4901:1-18-09.

⁷ O.A.C. 4901:1-18-09(G).

14. **Page III-31.** Provide delinquent e-billing and online customers information included on the pink disconnect insert as part of the e-billing email and online account information. Company sends hard copy but e-billing and online customers need notice online.
15. **Page III-31.** Clearly indicate required payment amounts to avoid disconnection on all disconnection notices.
16. **Page III-37.** CSRs must offer all payment options (extended payment plans) including negotiated plans Duke targets 1/6 plans and should offer all payment plans.⁸
17. **Page III-37.** CSRs must offer eligible customers who have defaulted, one of the PUCO-required extended payment plans, a PIPP plus payment plan, and the separation of service option. Customers need to understand the next course of action in order to maintain utility service.⁹
18. **Page III-37.** Add a default payment arrangement for customers that use medical certificates but do not call Duke to make extended payment plan arrangements. A 10 day expiration letter is mailed to customers and Staff would like Duke to submit a copy of the letter to Staff.

⁸ O.A.C. 4901:1-18-05.

⁹ O.A.C. 4901:1-18-09.

19. **Page III-37.** Any payment of \$175 should be considered initiating use of the WRO and the customer should be placed on the best available payment plan.¹⁰
20. **Page III-43.** Increase the frequency of marketing to at risk customers and communities. Make it easier for low income/at risk customers to know about their payment options.

CONCLUSIONS

Staff recommends that the Commission to adopt the findings and recommendations set forth in these Staff Comments, and as further detailed in the NorthStar Report filed on March 14, 2018.

Respectfully submitted,

Jodi J. Bair

Assistant Attorney General

Public Utilities Section

30 East Broad Street, 16th Floor

Columbus, OH 43215-3414

614.466.4397 (telephone)

866.388.1479 (fax)

jodi.bair@ohioattorneygeneral.gov

Counsel for Appellee,

The Public Utilities Commission of Ohio

¹⁰

In the Matter of the Commission's Consideration of Solutions Concerning the Disconnection of Gas and Electric Service in Winter Emergencies for the 2017-2018 Winter Heating Season, Case No. 17-1829-GE-COI (Finding and Order) (Sep. 13, 2017).

PROOF OF SERVICE

I hereby certify that a true copy of the foregoing comments, submitted on behalf of the Staff of the Public Utilities Commission of Ohio, was served via electronic mail upon the following parties of record, this 27th day of April, 2018.

/s/Jodi J. Bair

Jodi J. Bair

Assistant Attorney General

Parties of Record:

Amy B. Spiller
Elizabeth H. Watts
Duke Energy Ohio Inc.
139 East Fourth Street
1303-Main
Cincinnati, Ohio 45202
Amy.Spiller@duke-energy.com
Elizabeth.Watts@duke-energy.com

Ashley Richardson Butler
Noel M. Morgan
Legal Aid Society of Greater Cincinnati
215 East Ninth Street, Suite 200
Cincinnati, OH 45202
abutler@lascinti.org
nmorgan@lascinti.org

Colleen L. Mooney
Ohio Partners for Affordable Energy
P.O. Box 12451
Columbus, OH 43212-2451
cmooney@ohiopartners.org

Kimberly W. Bojko
Carpenter Lipps & Leland
280 North High Street, Suite 1300
Columbus, OH 43215
bojko@carpenterlipps.com

Terry L. Etter
Assistant Consumers' Counsel
Office of the Ohio Consumers' Counsel
65 East State Street, 7th Floor
Columbus, OH 43215-4203
terry.etter@occ.ohio.gov

Erica Faaborg
Andrea Yang
Assistant City Solicitors
801 Plum Street, Room 214
Cincinnati, OH 45202
erica.faaborg@cincinnati-oh.gov
andrea.yang@cincinnati-oh.gov

Steven D. Lesser
James F. Lang
N. Trevor Alexander
Mark T. Keaney
Calfee Halter & Griswold
41 South High Street
1200 Huntington Center
Columbus, OH 43215
slesser@calfee.com
jlang@calfee.com
talexander@calfee.com
mkeaney@calfee.com

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

4/27/2018 2:58:11 PM

in

Case No(s). 17-2089-GE-COI

Summary: Comments submitted by Assistant Attorney General Jodi Bair on behalf of the Staff of the Public Utilities Commission of Ohio. electronically filed by Kimberly L Keeton on behalf of Public Utilities Commission of Ohio