

## THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE COMMISSION'S  
CONSIDERATION OF SOLUTIONS  
CONCERNING THE DISCONNECTION OF  
GAS AND ELECTRIC SERVICE IN  
WINTER EMERGENCIES FOR THE 2018-  
2019 WINTER HEATING SEASON.

CASE NO. 18-1204-GE-UNC

### FINDING AND ORDER

Entered in the Journal on September 5, 2018

#### I. SUMMARY

{¶ 1} The Commission sets forth special reconnection procedures that are effective no later than October 15, 2018, through April 15, 2019, for each gas, natural gas, and electric light company under the Commission's jurisdiction.

#### II. DISCUSSION

{¶ 2} The gas, natural gas, and electric light companies (utility companies) defined in R.C. 4905.03 are public utilities in accordance with R.C. 4905.02, and, as such, are subject to the jurisdiction of the Commission, pursuant to R.C. 4905.04, 4905.05, and 4905.06.

{¶ 3} R.C. 4909.16 provides, in part, that, in the event of an emergency, when the Commission finds it necessary to prevent injury to the business or interests of the public or of any public utility, it may temporarily alter, amend, or suspend any existing rates or schedules.

{¶ 4} Ohio Adm.Code Chapters 4901:1-10, 4901:1-17, and 4901:1-18 address, among other things, the establishment of credit for residential service, the termination and reconnection of residential service by utility companies, and the natural gas and gas Percentage of Income Payment Plan (PIPP) and Graduate PIPP programs. In addition, Ohio Adm.Code Chapter 122:12-2 addresses the electric PIPP and Graduate PIPP

programs. PIPP is a program for low-income customers who meet certain qualifications, including having a household gross yearly income at or below 150 percent of the federal poverty guidelines, to pay a reduced gas and/or electric utility bill. Effective November 1, 2010, all of these administrative code chapters were revised to allow for a PIPP Plus and Graduate PIPP Plus program, which provides that, when a customer pays the monthly payment on time and in full, two types of credits (a credit towards any old debt and towards the rest of that month's billed amount) are applied to the customer's account, thus, incenting the customer to make regular payments.

{¶ 5} For more than a decade, prior to each winter heating season, the Commission has voiced concerns about residential customers who have had their gas and/or electric utility service disconnected during the winter because they are unable to pay their bills due to limited financial resources and who have been unable to have these services restored because of unpaid balances. Pursuant to R.C. 4909.16, the Commission has determined each year that, in order to prevent injury to these residential customers, it was in the public interest to issue special reconnect procedures for the winter heating season. The Commission notes that all customer classes should have the opportunity to participate in, and receive the benefits of, energy efficiency and conservation programs. Therefore, we have approved many gas and electric utility energy efficiency and conservation programs in order to assist residential customers in controlling their utility bills. These programs, in concert with the financial assistance afforded residential customers through orders such as this one, provide much needed support for residential customers, including customers residing in multi-family housing and low-income customers.

{¶ 6} For the 2018-2019 winter heating season, October 15, 2018, through April 15, 2019,<sup>1</sup> the Commission expects that the utility companies under our jurisdiction will

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<sup>1</sup> The 2018-2019 winter heating season is defined for limited purposes set forth in this Order.

assist customers in every way possible to maintain their service for heating purposes. We expect these utilities to advertise, as much as practicable, the availability of the standard payment plans provided by Commission rule, as well as the availability of the PIPP Plus program. Moreover, the Commission expects the utilities to err on the side of maintaining service when there is a doubt as to the applicability or the interpretation of a rule.

{¶ 7} In addition, upon consideration of the upcoming 2018-2019 winter heating season, the Commission again finds it necessary and prudent to invoke the emergency provisions of R.C. 4909.16 in order to prevent injury to affected residential customers and support the public interest. We continue to be concerned about those residential customers who have had their gas and/or electric utility service disconnected because of limited financial resources or who have a disconnection notice because they are unable to pay their bills. While the Commission believes the residential service rules have substantially assisted customers to keep energy service, in spite of their financial situation, we are aware of the fact that a number of Ohio citizens will enter the winter season without utility service for heating purposes. We find this constitutes a continuing emergency. Accordingly, the Commission issues this Order to effectuate the special reconnection procedures for the 2018-2019 winter heating season.

***A. Special Provisions for the 2018-2019 Winter Heating Season***

{¶ 8} Pursuant to R.C. 4909.16, in order to prevent injury and support the public interest, we direct utility companies under our jurisdiction for the 2018-2019 winter heating season to reconnect the services of those who have had their services disconnected for nonpayment or to maintain services in accordance with the directives set forth in this Order.

{¶ 9} Effective dates of the procedures in this Order: A customer can only use the special procedures provided in this Order once from October 15, 2018, through April 15, 2019, to:

- (a) reconnect service under the special reconnection procedures, if the service has been disconnected for nonpayment;
- (b) avoid the disconnection of service under the special maintenance procedures; or
- (c) request the connection of new service under the other special procedures.

{¶ 10} Initial requirements to restore or maintain service: A customer seeking to have service restored or maintained must do one of the following, whichever is less:

- (a) pay his/her delinquent amount, as set forth in Ohio Adm.Code 4901:1-18-07(A)(1) and (A)(2);
- (b) cure any default that he/she may have incurred on a standard payment plan provided pursuant to Ohio Adm.Code 4901:1-18-05, if the customer is on such a plan; or
- (c) pay \$175 plus a reconnection charge of up to \$36 if applicable. Funds for this payment may come in whole or in part from the Winter Crisis Program or other energy assistance programs.

{¶ 11} Reconnection charge: A reconnection charge, as described in Ohio Adm.Code 4901:1-18-07(C), shall not be assessed by the utility company, unless the company has actually disconnected the service. The utility company may assess a collection charge if the collection charge is part of the utility company's approved tariff.

{¶ 12} What is included in the \$175: The \$175 payment includes any security deposit a utility company may require. The utility company may add the company's approved tariff reconnection charge to this amount, up to \$36. If the company's approved tariff reconnection charge is greater than \$36, the balance of the reconnection charge may be billed to the customer the following month.

{¶ 13} Remaining balance with \$175 payment: For a current residential customer not enrolled in the PIPP Plus program, who requests reconnection and payment arrangements under the special reconnection procedures, as soon as the \$175 payment for reconnection is paid, the utility company shall place the remaining unpaid balance into a payment arrangement for that customer so that the customer can begin making payment under the terms of the agreed extended payment plan beginning with the next billing cycle, as if it were a new plan, subject to the arrearages already incurred.

{¶ 14} Apportionment of the \$175 between regulated utility companies: If the customer's gas and electric service have both been disconnected for nonpayment or have disconnection notices and different utility companies provide these services, the utility companies involved may come to an agreement as to the apportionment of the \$175 between them. If an agreement cannot be reached, the utility companies shall apportion the \$175 based upon a ratio of the arrearages the customer owes each company. If the same company provides both of these services, then the \$175 should be apportioned based upon a ratio of the arrearages the customer owes for each service.

{¶ 15} Payment plans and the \$175 payment: A customer who is not enrolled in PIPP Plus who pays the \$175 shall be offered and must enroll in a standard extended payment plan provided for in Ohio Adm.Code 4901:1-18-05(A) and (B), at the time the special reconnection procedures are invoked.

{¶ 16} New service address: A customer requesting service at a new address who has an outstanding balance with the utility company can establish new service upon

payment of \$175. The customer must also enter into a payment arrangement on the balance before service is connected, in either one of the standard extended payment plans provided for in Ohio Adm.Code 4901:1-18-05(B), or, if eligible, in the PIPP Plus program, whichever is the most appropriate for the customer. If this outstanding balance is a PIPP Plus default, the customer must follow the process set forth in Paragraph 21.

{¶ 17} New service with no balance and security deposit: A customer requesting new service with no previous outstanding balance may establish new service upon payment of \$175, in lieu of paying the required security deposit, if the required security deposit would be more than \$175. When the customer elects this option, the utility company may add the remaining balance of the required security deposit to the customer's next bill. If the required security deposit is less than \$175, the utility company shall not count the customer's payment of the lesser amount as the customer's one-time use of the special reconnection procedures described above.

{¶ 18} Multiple residential accounts: A customer with multiple residential accounts who wishes to utilize the Winter Reconnect Order to maintain or reconnect service may do so only at the property where the customer resides. In addition to payment of \$175 to maintain or reconnect service, the customer must enter into a payment arrangement on the balance of that residential account, in either a standard extended payment plan provided for in Ohio Adm.Code 4901:1-18-05(B), or, if eligible, in the PIPP Plus program, whichever is the most appropriate for the customer.

{¶ 19} Fraudulent practice or tampering: A customer who has had his/her gas and/or electric service disconnected due to a fraudulent practice or tampering shall have that service reconnected upon payment for the amount of service obtained fraudulently, plus any investigation fee or nonsufficient fund check charge under the company's approved tariff; plus any defaulted amount not to exceed \$175, plus the company's approved tariff reconnection charge, up to \$36. If the company's approved tariff

reconnection charge is greater than \$36, the balance of the reconnection charge may be billed to the customer the following month.

{¶ 20} Insufficient funds prior to the effect of this Order: The act of a customer who makes payment by check to avoid the disconnection of his/her gas and/or electric service immediately prior to the start of the special winter heating procedures, and whose check is then returned for insufficient funds after the special procedures are in effect, will be considered a fraudulent practice. A customer under these specific circumstances shall be able to avoid disconnection by paying the amount of the returned check, plus the company's approved tariff return check charge(s), plus any defaulted amount not to exceed \$175 prior to disconnection. If the customer's gas and/or electric service are disconnected, then the procedures set forth in Paragraph 19, for disconnection due to a fraudulent practice, will apply.

{¶ 21} Reenroll or maintain PIPP Plus or Graduate PIPP Plus: To reenroll or maintain active status in PIPP Plus or Graduate PIPP Plus, a customer will be required to pay the balance of any PIPP Plus or Graduate PIPP Plus default over \$175 or over the agreed-upon split amount on or before the due date of the customer's next bill to maintain or be reenrolled in PIPP Plus or Graduate PIPP Plus. Thus, the customer can begin making the established PIPP Plus or Graduate PIPP Plus program payment beginning with the next billing cycle, and be eligible to receive incentive credits for on-time and in-full payments. The time period is not extended to participate in Graduate PIPP Plus.

{¶ 22} Application for Home Energy Assistance Program (HEAP) required: Households that meet the federal income guidelines must apply for regular HEAP.

{¶ 23} Procedures for applying for Winter Crisis: A customer who schedules an appointment, as confirmed by fax or electronic communication sent by a Local Delegate Agency (i.e., community action agency, community based organization) to a utility company, in order to apply for Winter Crisis, and who has not utilized the provisions of

this Order, shall be granted a reprieve from disconnection until five business days after the appointment. If the utility company has not received confirmation of a Winter Crisis benefit by the start of the sixth business day following the customer's appointment, the utility may proceed with disconnection procedures. The Local Delegate Agency shall also notify the utility company daily by fax or electronic communication concerning any missed appointments. As confirmed by fax or electronic communication sent by a Local Delegate Agency to a utility company, if the customer misses his/her appointment with the Local Delegate Agency, the utility company may proceed with disconnection procedures.

{¶ 24} Customer notice: Each utility company shall, in writing, by bill insert, or any other form of customer communication, notify its customers whose service continues to be disconnected because of nonpayment that such customers may have their service restored consistent with the procedures set forth herein.

{¶ 25} Notice to customers inquiring about disconnection or payment arrangements: Utility companies must inform a residential customer of the payment plan options under Ohio Adm.Code 4901:1-18-05, or similar provisions, and other available payment plans and options for financial assistance, as well as all of the payment plan options provided by the Commission herein, when the customer contacts the utility company concerning the disconnection of service or payment arrangements.

{¶ 26} Customers not utilizing the Order: With regard to the maintenance or reconnection of service for existing customers who do not utilize the special reconnect procedures, the Commission notes that the intent of the special reconnection procedures is to permit customers, with an outstanding balance greater than \$175, who have been disconnected or who are facing disconnection, to pay less than their balance to have their service restored or maintained. Therefore, when an existing residential customer makes a payment of less than \$175, which cures any default previously owed to the utility company in order to maintain service, or requests reconnection of service, the utility



company shall not count this payment as the customer's one-time use of the special reconnection procedures.

{¶ 27} Reconnection process to be followed: With regard to reconnection of service, the utility company involved shall reconnect service as described in Ohio Adm.Code 4901:1-18-07(A) and (B), which provides that a customer whose service has been disconnected for nonpayment for ten business days or less can request service be reconnected the same business day by providing proof of payment by 12:30 p.m. If payment is made after 12:30 p.m., the service will be reconnected the following business day. However, where a customer's service has been disconnected for nonpayment for more than ten business days, the reconnection of the customer's service will be scheduled as if it is a request for new service in accordance with Ohio Adm.Code Chapters 4901:1-10 and 4901:1-13.

{¶ 28} Enforcement of these procedures: If the Commission determines that a utility company is not following these procedures, we will take those steps we deem appropriate to protect the customers served by that utility.

{¶ 29} Collaboration with nonregulated utilities: The Commission recognizes that its jurisdiction does not extend to those utilities owned or operated by municipalities, nor do we regulate cooperatives. However, we hope these entities will adopt the program laid out above so that together we can limit the number of Ohioans who will suffer from a lack of heat this winter.

***B. Application for Energy Assistance and Weatherization Programs***

{¶ 30} Ohio Adm.Code 4901:1-18-12(C)(2) requires anyone applying for the PIPP Plus program to also apply for all energy assistance and weatherization programs for which he/she is eligible. Included among these programs is the Home Weatherization Assistance Program, the largest weatherization program in the state of Ohio.

{¶ 31} The Commission finds that the utility companies subject to the jurisdiction of this Commission should continue to assist the Ohio Development Services Agency (ODSA) by providing the data requested in ODSA's customer information report.

{¶ 32} As a final matter, the Commission notes that PIPP Plus program customers are required to apply for weatherization services. If a customer refuses weatherization, he/she will be removed from the PIPP Plus program.

### *C. Data Collection*

{¶ 33} In order to monitor and gather data to aid the Commission in evaluation of winter heating season disconnections of service, the Commission needs to collect data on all disconnection, including non-heating season disconnection. We need to track the number of customers who have gas and/or electric service reconnected each month, the types of payment plans entered into, and the length of time that customers were without gas and/or electric utility services. To aid us in making winter heating season determinations regarding the public interest, each utility company under the Commission's jurisdiction is directed to complete the Winter Reconnect Order Report, attached to this Finding and Order as Appendix A, and electronically submit it to Staff each month. Each utility company, with the exception of small gas companies, should upload its Winter Reconnect Order Report data to the Commission's database by the 20th of the following month, except that data for October 2018 shall be reported with the data for November 2018. Small gas companies should file monthly data by either uploading their Winter Reconnect Order Report data to the Commission's database or through the Excel template provided by the Commission.

### III. ORDER

{¶ 34} It is, therefore,

{¶ 35} ORDERED, That, effective no later than October 15, 2018, each utility company under the Commission's jurisdiction shall restore the service of those customers whose gas or electric utility service has been disconnected for nonpayment, in accordance with the terms set out in this Order. It is, further,

{¶ 36} ORDERED, That, effective no later than October 15, 2018, each utility company under the Commission's jurisdiction shall maintain the service of those customers who have received a notice that their service is to be disconnected for nonpayment, in accordance with the terms set out in this Order. It is, further,

{¶ 37} ORDERED, That, effective no later than October 15, 2018, each utility company under the Commission's jurisdiction shall establish service for customers who request new service, in accordance with the terms set out above. It is, further,

{¶ 38} ORDERED, That the utility companies comply with the Commission's directives set forth in this Finding and Order. It is, further,

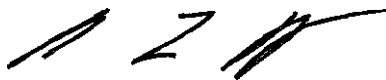
{¶ 39} ORDERED, That the special procedures in this Order to maintain, reconnect, or establish service are available to a customer only once from October 15, 2018, through April 15, 2019. It is, further,

{¶ 40} ORDERED, That each utility company under the Commission's jurisdiction provide the data requested in Paragraph 33 and Appendix A to this Finding and Order, for the preceding month by the 20th day of the following month, except that data for October 2018 shall be reported with the data for November 2018. It is, further,

{¶ 41} ORDERED, That a hard copy of this Finding and Order be served upon each gas company, natural gas company, and electric distribution utility, and all other interested persons of record. It is, further,

{¶ 42} ORDERED, That a copy of this Finding and Order be sent to the electric-energy and gas-pipeline industry service lists.


THE PUBLIC UTILITIES COMMISSION OF OHIO



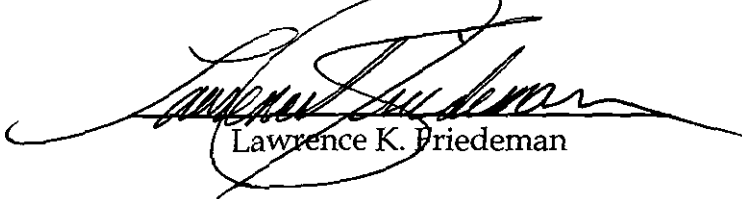
Asim Z. Haque, Chairman



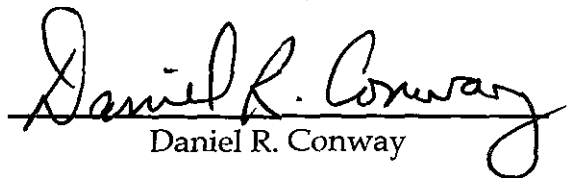
M. Beth Trombold



Thomas W. Johnson



Lawrence K. Friedeman

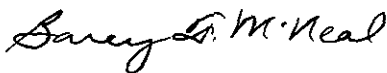


Daniel R. Conway

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Entered in the Journal

SEP 05 2018



Barcy F. McNeal  
Secretary

## Appendix A

### Winter Reconnect Order (WRO) Report

#### Customer Profile of WRO Use

- A) Number of Total Residential Customer Accounts
- B) Number of Total PIPP Accounts
- C) Number of non-PIPP Accounts
- D) Number of customers on extended payment plans
- E) Total number of residential customer accounts that used WRO
  - a. Percent of residential customers using WRO
- F) Number of PIPP customer accounts that used WRO
  - a. Percent of PIPP customers using WRO
- G) Number of non-PIPP customer accounts that used the WRO
  - a. Percent of non-PIPP customers using WRO
- H) Number of non-PIPP customer accounts that used WRO and received Winter Crisis
- I) Number of customers on extended payment plans that used WRO
  - a. Percent of customers on extended payment plans that used WRO

#### Reasons for WRO Use

- J) PIPP Customer Accounts that used WRO
  - 1) Avoid Disconnection
  - 2) Re-establish service
  - 3) Percent used to avoid disconnection
  - 4) Percent used to re-establish service
- K) Non-PIPP Customer Accounts that used WRO
  - 1) Avoid Disconnection
  - 2) Re-establish service
  - 3) Establish service for a new customer
  - 4) Percent used to avoid disconnection
  - 5) Percent used to re-establish service

#### Enrollment on PIPP or Extended Payment Plan Upon WRO Use

- L) Number of customers placed on extended payment plan within 30 days of invoking use of WRO
- M) Number of customers newly enrolled in PIPP within 30 days of invoking use of WRO

#### Arrearage Balance Upon WRO Use

- N) Non-PIPP Only: The payment plan dollar amount entered into as a result of the WRO
- O) PIPP Only: The dollar amount added to PIPP Arrearage

#### Length of Time Without Service Upon WRO Use

- P) Number of customers disconnected for 10 days or fewer
- Q) Number of customers disconnected for 11-30 days
- R) Number of customers disconnected for 31-90 days
- S) Number of customers disconnected for 91 days or more