

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Commission’s Review)
of Ohio Administrative Code Chapters) Case No. 19-52-AU-ORD
4901:1-17 and 4901:1-18.)

**COMMENTS OF
THE DAYTON POWER AND LIGHT COMPANY**

The Dayton Power and Light Company (“DP&L” or the “Company”) hereby submits the following comments in response to the Public Utilities Commission of Ohio (“PUCO” or “the Commission”) request for comments related to proposed changes to Chapter 4901:1-17, 4901:1-18, and 122:5-3.

I. Disconnection and PIPP Plus Rules

A. O.A.C. 4901:1-18-06 Disconnection Procedures for Electric, Gas, and Natural Gas Utilities

The PUCO rules should be amended to realize the full benefits potential offered by smart grid enabling devices such as advanced metering infrastructure. It has been established in multiple proceedings before this Commission that advanced metering infrastructure has a number of benefits for the utility, customers, and society as a whole. One of those benefits, that results in cost savings to customers, is the ability to avoid dispatching personnel to provide personal notification of disconnection due to the AMI capability of remote disconnection. To realize these benefits for customers, utilities, including DP&L in its pending Distribution Modernization Plan filing in Case No. 18-1875-EL-GRD, have sought permanent waivers of O.A.C. 4901:1-18-06(A)(2). Consistent with this sentiment, DP&L recommends the following change to O.A.C. 4901:1-18-06(A)(2):

Unless the customer has a meter with remote connection capabilities, on the day of disconnection of service, the utility company shall provide the customer with personal notice. If the customer is not at home, the utility company shall provide personal notice to an adult consumer. If neither the customer nor an adult consumer is at home, the utility company shall attach written notice to the premises in a conspicuous location prior to disconnecting service.

B. O.A.C. 4901:1-18-10 Insufficient Reasons for Refusing Service or for Disconnecting Service

To create internal consistency, remove ambiguity, and reduce administrative burdens and loopholes, DP&L proposes the following change to OAC 4901:1-18-10 (A):

The utility company shall not refuse service to or disconnect service to any applicant/customer for any of the following reasons:

(A) Failure to pay for service furnished to a former customer unless the former customer ~~and the new applicant for service continue to be members of the same household~~ continues to reside at the premises.

The undefined term of “*household*,” as used in the current language of O.A.C. 4901:1-18-10(A), has created a situation whereby utility companies are prevented from refusing or disconnecting service when it otherwise could simply because, for example, a new person is said to have moved into the premises. This result has created an administrative burden for the utilities having to determine whether an individual was a member of the household during the former customer’s failure to pay for services rendered and the potential for exploitation of a potential loophole.

DP&L’s recommended edit will make O.A.C. 4901:1-18-10(A) consistent with the Ohio Revised Code and other sections of the Administrative Code. Section 4933.121 (B) of the Ohio Revised Code states “[t]he company shall not refuse to furnish electricity on account of arrearages due it for electricity furnished to persons formerly receiving services at the

premises as customers of the company, *provided the former customers are not continuing to reside at the premises.*” Similarly, regarding the disconnection of gas service, Section 4933.12 (B) of the Ohio Revised Code states “[t]he company shall not refuse to furnish gas on account of arrearages due it for gas furnished to persons formerly receiving services at the premises as customers of the company, *provided the former customers are not continuing to reside at the premises.*” Finally, regarding the disconnection of water service, Section 4901:1-15-27(C) of the Ohio Administrative Code states “[s]ervice may not be refused or disconnected to any customer or refused to any applicant for service for any of the following reasons: (1) Failure to pay for service furnished to a customer(s) formerly receiving service at the premises, *unless the former customer(s) continues to reside at the premises.*” As shown in these three examples, the Legislature and the Commission have both made it clear that the presence of the former customer residing in the premises is the pivotal issue in whether the exceptions should apply – not whether new persons have joined the *household*.

For all of these reasons, the Company believes its proposed change to OAC 4901:1-18-10 (A) would remove unnecessary administrative burdens, better align it with the Ohio Revised Code and other provisions issued by the Commission; thus, providing clarity as to when a utility may refuse or disconnect service in these circumstances.

C. O.A.C. 122:5-3 Criteria for Customer Eligibility

Under the current language of O.A.C. 122:5-3-02(H)(1)(a) and (H)(1)(b), a customer who is not current on his or her PIPP plus anniversary date and who has been dropped for anniversary default will have to pay all missed installments *and* current monthly charges for those months when the PIPP plus customer was not enrolled in the program, less any payments made, before returning to the PIPP. The PIPP Plus anniversary date can be

confusing for customers as it often does not align with their PIPP Plus annual verification date. Thus, under the current rules a customer that misses a payment on the second month of a new 12-month verified period that happens to be on the customer's PIPP Plus anniversary date results in removal from the PIPP plus program, which would not otherwise be the case if it is was any other month during the verification period.

Under these circumstances, customers start to rack up large bills based upon their actual usage, resulting in a situation where reenrollment is not feasible due to the large amount that is due prior to reenrollment. A similar situation arises when customers are removed from the PIPP Plus program due to failure to timely reverify their income. This often results in phone calls to the Company's call center and back office, which require a lot of processing time to reactivate PIPP plus on the account. In some instances, if action is not taken soon enough, service is disconnected for nonpayment. In other instances, customers file complaint cases to prevent disconnection and seek some sort of solution. All of these result in a significant expenditure of time from the customers, ODSA, the PUCO Staff, and the utilities.

ODSA appears to have recommended a potential solution to this problem by proposing new language, available at: <https://development.ohio.gov/files/rules/PIPP%20OAC%20Chapter%20122.pdf> ("ODSA Proposed Rules"). Under sections (H)(1)(a) and (H)(1)(b) of O.A.C. 122:5-3-02 in the ODSA Proposed Rules, however, a customer who is not current on his or her anniversary date will be dropped from the program but will *only* be required to pay his or her past due monthly PIPP plus installment amounts owed while active on PIPP Plus. Therefore, if a customer is removed from PIPP Plus for not being current on his or her anniversary date and their account bills between the time of the drop and them taking action to reactivate PIPP

plus, the bills between this time period will now fully be invoiced to the USF. In other words, customers may have an incentive to ignore the PIPP Plus anniversary date.

To holistically address these issues, DP&L recommends a pragmatic solution that benefits all parties involved. To the extent a customer leaves PIPP plus, either by nonpayment, untimely re-verification, or voluntarily, the customer may get back onto PIPP plus if they pay the PIPP plus installment for the months that they missed, including the installment amount they would have otherwise paid for those months they were not on the PIPP Plus program. This would then obviate the need to remove customers for failure to make payments on their PIPP Plus anniversary date and provide a reasonable way for qualifying customers to reenroll in PIPP if they failed to timely reverify. This can be accomplished by deleting O.A.C. 122:5-3-02(H)(1)(b) and making the following edits to the ODSA Proposed Rules:

O.A.C. 122:5-3-03(H)(1)(a)

A PIPP plus customer who has ceased to be an active PIPP plus customer as a result of nonpayment or voluntarily leaving the PIPP plus program shall be ineligible to participate in the PIPP plus program until such customer pays any past due monthly PIPP plus installment amounts and the PIPP plus installment amounts for the months the customer received service but was not enrolled in the PIPP plus program, not to exceed the account balance. The requirement in this rule for a customer to pay past due monthly PIPP plus installment amounts owed while the customer was active on PIPP plus and the PIPP plus installment amounts for the months while the customer was not active on PIPP plus is a condition to re-enroll in the PIPP plus program. This rule is not intended and should not be misinterpreted to prevent any customer from taking advantage of any commission rule or order otherwise available to the customer to maintain or reconnect electric service by paying less than the delinquent amounts and reconnect charges.

O.A.C. 122:5-3-03(C)(1)

Annual verification of income eligibility. Income eligibility will be subject to annual verification at or about twelve months from the PIPP plus customer's most recent PIPP plus re-verification date. The director will use reasonable efforts to

notify PIPP plus customers in advance of annual verification deadlines. PIPP plus customers will be required to submit then-current application information to the office of community assistance or a local agency. The director shall use such application information to determine continuing income eligibility. Local agencies and electric distribution utilities will cooperate with the director to facilitate the income verification process. If a PIPP plus customer fails to submit information sufficient to verify continuing eligibility within sixty days after the customer's annual verification date, the customer will be ineligible to continue in the PIPP plus program, and the office of community assistance will send the affected utility by electronic data transfer a drop file to remove such customer as an active PIPP plus customer. PIPP plus customers who have been dropped from the PIPP plus program for not meeting the terms of the program, including failure to re-verify their income, may re-enroll in the program after all missed PIPP plus installments have been cured and ~~monthly charges~~ installment amounts the customer would have paid for any months the customer was not enrolled in the program but maintained services (less any payments made by the customer) have been paid. ~~This includes PIPP plus payments for any months that the customer was disconnected.~~ The amount due shall not exceed the amount of the customer's arrearage.

II. O.A.C. 4901:1-17-04 Deposit to Reestablish Creditworthiness

Under the current language of O.A.C. 4901:1-17-04, utilities may require a deposit from the customer after two full billing periods if payment-in-full or other payment arrangements have not been made. The proposed changes, however, push this timeline back one additional billing period. The Company notes that such an occurrence could foreseeably result in increased uncollectible expense balances due to charges associated with an additional billing period.

III. ODSA Rules Unrelated to the PIPP Plus Program.

The Company does not have any comments pertaining to Chapter 122:5-3 that are unrelated to the PIPP Plus Program at this time.

IV. Conclusion

DP&L appreciates the opportunity to provide comments and urges the Commission to adopt the recommendations set forth above.

Respectfully submitted,

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Summary: Comments Initial Comments electronically filed by Mr. Alan M. O'Meara on behalf of The Dayton Power and Light Company