

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Motion to Suspend of)	
Columbia Gas of Ohio, Inc. for Procedures)	Case No. 20-0637-GA-UNC
And Process During the Declared State of)	
Emergency And Related Matters.)	

**COMMENTS ON THE TRANSITION PLAN OF
COLUMBIA GAS OF OHIO, INC.
BY OHIO PARTNERS FOR AFFORDABLE
ENERGY**

I. INTRODUCTION

The Public Utilities Commission of Ohio (“Commission”) issued Entries on March 12, 2020 and March 13, 2020 in Case No. 20-591-AU-UNC, requiring utilities to review their business practices in light of the COVID-19 pandemic and request waivers of Commission rules as necessary to comply with the Orders of the Director of the Department of Health and the Centers for Disease Control. On March 18, 2020 and May 11, 2020, in Case No. 20-637-GA-UNC, Columbia Gas of Ohio, Inc. (“Columbia”) requested a number of rule suspensions, and committed to cease disconnecting customers and to reconnecting customers. Columbia also suspended in-person audit and weatherization programs. Of those programs, WarmChoice®, serves low-income customers and is delivered through Ohio Partners for Affordable Energy’s (“OPAE”) member agencies.

On May 29, 2020, Columbia filed its plan for transitioning out of the waivers and temporary policies that were followed during the emergency phase of the pandemic response (the “Plan”). Ohio Partners for Affordable Energy offers the following comments regarding the proposed plan developed in conjunction with Staff per the Commission Finding and Order issued on May 20, 2020.

II. COMMENTS

A. Sec. 5(d) of the Plan.

Columbia proposes to resume full compliance with rules regarding reconnection of small commercial and residential customers. Under Ohio Adm. Code 4901:1-18-07, customers participating in the Percentage Income Payment Plan (“PIPP”) are required to comply with Ohio Adm. Code 4901:1-18-12(D)(2)(b), which requires a payment of the amount “sufficient to cure the default for PIPP customers.” This includes all amounts that would have been due for any missed PIPP plus payments up to the arrearage balance. OPAE contends that continuing the waiver of this requirement is in the best interest of Columbia’s customers.

Customers need access to natural gas services. Given the drastic increases in unemployment resulting from business closures during the pandemic, many households on the PIPP have suffered significant reductions in income, which for 90% of customers amount to a mere 90% of the Federal Poverty Line, or \$23,580 for a family of four. OPAE believes that permitting unpaid arrearages to be rolled into the arrearage crediting program would be the most effective approach to ensuring access to essential energy services. OPAE believes that extending in the waiver of Ohio Adm. Code 4901:1-18-12(D)(2)(b) at least until the Commission issues a final Opinion and Order in Case No. 19-52-AU-ORD, and preferably through the upcoming winter heating season – October 15, 2020 through March 31, 2021, would be in the best interest of consumers.

The content of Ohio Adm. Code 4901:1-18-12(D)(2)(b) is at issue in the rule review docket, with numerous parties contending that customers in need of an affordable rate are being pushed out of the PIPP in increasing numbers because of this provision, which is antithetical to the purpose of the program. The need to keep customers of all income levels connected to

essential energy services is critical as we continue to cope with the pandemic. The waiver of Ohio Adm. Code 4901:1-18-07(A)(1) and 4901:1-18-07(A)(2), which reference Ohio Adm. Code 4901:1-18-12(D)(2)(b), should continue in order to ensure customers can regain service at affordable rates.

B. Sec. 5(f) of the Plan.

Columbia indicates that it intends to request to extend certain waivers related to PIPP customers through July 29, 2020, and then resume full compliance with existing Commission rules. As noted in the above comments, the issues surrounding the requirement that PIPP customers be current on all payments, including payments for months when a medical certificate was in place, are currently before the Commission in Case No. 19-52-AU-ORD, and numerous commenters have noted the negative impact these requirements are having on the usefulness of PIPP to low-income families.

OPAE contends that the provisions of Ohio Adm. Code 4901:1-18-12(D)(2) & (3) should be waived at least until a final decision is rendered in Case No. 19-52-AU-ORD or until the end of the upcoming winter heating season, March 31, 2021. Again, this will ensure that the poorest Ohioans have access to an affordable rate and can maintain service when, despite their best efforts, it is not possible to make every payment, let alone makeup multiple payments that may have been missed during the pandemic.

C. Sec. 6 of the Plan.

OPAE contends that resuming disconnections on July 29, 2020 is too soon. Millions of Ohioans remain unemployed, and are struggling to pay rent or mortgages, feed themselves, and cope with the loss of health insurance. Utilities have mechanisms to recover bad debt, so Columbia will not suffer a loss of revenue over the long-term. However, restarting

disconnections before Ohio families have a chance to get on their feet is punitive. OPAE recommends that the moratorium on disconnections be continued until the Emergency Winter Reconnect Order is issued in October.

Columbia proposes in Sec. 6(c) of the Plan to offer the 1/9 payment plan. The Company further pledges to “work with both residential and commercial customers to establish agreeable payment plans.” Ohio Adm. Code 4901:1-18-05(A) requires utilities to inform customers that “it will make reasonable extensions or other extended payment plans appropriate for both the customers and the utility customer.” Further, the provision requires the utility to consider “the account balance, the length of time that the balance has been outstanding, the customer’s recent payment history, the reasons why payment has not been made, and any other relevant factors....”

Columbia has it backward. It should first attempt to work out a customized payment plan that considers the factors listed in the rule, and not require the customer to propose such a plan. Columbia should recognize that most customers are not savvy when it comes to negotiating with a utility, and its representatives should proactively consider the customer’s situation when developing a plan. Opening the discussion with an offer of the 1/9 plan does not follow the Commission rules. Under Ohio Adm. Code 4901:1-18-05(B), utilities are to offer the plans included in the Rule “[i]f the customer fails to propose payment terms acceptable to the utility company....” In light of the unprecedented economic situation faced by its customers, Columbia should require its customer service representatives to initiate a discussion with the customer to determine what type of personalized payment plan would be workable. Only if there is no agreement, should one of the plans in the Rule then be offered.

In addition, OPAE believes that the existing repayment plans should be supplemented. Pennsylvania offers payment plans of up to 6 years. We offer a more modest proposal – 24

months. At present, it is not known when the pandemic will end or what businesses will survive. Many families trying to avoid disconnection are faced with an uncertain future. Allowing for extended payment plans will improve the likelihood that customers can comply with the plan. We urge the Commission to establish a two-year payment plan on a temporary basis.

D. Sec. 7(a) of the Plan.

As noted above, OPAE believes, based on its knowledge of payment troubled customers and the impacts of the pandemic, that disconnections should be deferred until the effective date of the Emergency Winter Reconnect Order. OPAE has not traditionally supported moratoria, because we recognize that during the suspension of disconnections many people choose not to pay their bills, knowing there will be no consequences. However, these are not normal times. The economic dislocation has been severe, and is rippling through the economy. Many of the newly unemployed have never asked for or received benefits, yet have zero or minimal income.

Utilities are regulated monopolies providing an essential service. Access to that service is critical for families and businesses. There are mechanisms to ensure utilities recover their revenue requirement, which is essentially an entitlement. Customers are likewise entitled to service, and in recognition of the pandemic should be protected as necessary during this crisis.

E. Recommendations Regarding Disconnection Data.

OPAE also requests that Columbia, and all utilities, be required to provide disconnection data to Staff, OCC, and interested parties such as OPAE and legal aid organizations which, along with OPAE members, are intimately involved in serving payment-troubled clients. This disconnection data should be provided by zip code, which will allow analysis of the data in conjunction with Census Bureau and other information to determine where there are ‘hot spots’ for disconnections. This will allow local nonprofits to target these areas for additional services

such as weatherization. It will also permit a review of an issue that has been brought to the fore in recent protests against racism in this society. It is important for the Commission to ensure that disconnection policies are color blind and that people of color are not being singled out for disconnection of essential utility services. An analysis of disconnections in California found that “[s]hutoffs disproportionately impact children, low-income communities, and communities of color.”¹ A national analysis also indicates racial disparities in disconnection practices.² Ohio needs to ensure that disconnections from essential energy services are equitably enforced and then only once sufficient time has passed for families to recover from this recession³.

III. CONCLUSION

OPAE applauds the efforts of Columbia and its personnel to serve its customers during these trying times. But it cannot be assumed that this pandemic or the economic recession it has created are over. Ensuring customers access to essential utility services is critical. OPAE urges Columbia to continue to work closely with the community-based nonprofits that provide intake for the Home Energy Assistance Program and PIPP. Dedicated call centers staffed with knowledgeable individuals will be necessary for our members to effectively and efficiently process what we expect to be a very large number of customers in the coming month. During the last recession, over 500,000 Ohioans needed assistance to maintain energy services. We will likely surpass that number during the balance of the year.

For these reasons, OPAE urges the modification of Columbia’s transition plan.

¹ http://www.turn.org/wp-content/uploads/2018/05/2018_TURN_Shut-Off-Report_FINAL.pdf at 8.

² See Exhibit A. See also: Howat, John, *The Need for Utility Reporting of Key Credit and Collections Data Now and After the Covid-19 Crisis*, National Consumer Law Center (April 2020), https://www.nclc.org/images/pdf/special_projects/covid-19/IB_Data_Reporting.pdf.

³ The National Bureau of Economic Research has determined the United States entered a recession in February 2020. <https://www.nber.org/cycles/june2020.html>

/s/Robert Dove

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CERTIFICATE OF SERVICE

I certify that The Public Utilities Commission of Ohio's e-filing system will electronically serve notice of the filing of this document on the parties referenced on the service list of the docket card who have electronically subscribed to the case.

/s/ Robert Dove
Robert Dove

**Disparate Energy Insecurity Impacts:
*The Need For Racial Justice in
Utility Billing, Credit and Collections***

100% Network Webinar on Energy
Security in the Wake of the
Coronavirus

April 14, 2020

John Howat – jhowat@nclc.org



National
Consumer Law
Center

*Fighting Together
for Economic Justice*

Energy Security

- Uninterrupted, affordable access to basic residential home energy services without
 - Disconnection notices
 - Involuntary disconnection of service
 - Foregoing other necessities to retain service
 - Maintaining unhealthy indoor temperature

Utility Service a Basic Necessity

- Consequences of energy insecurity include (but are not limited to):
 - Threats to health and safety
 - Illness, hospitalization
 - House fires
 - Loss of life
 - Spoiled food
 - Eviction
 - Reduced academic performance
 - Inflated Covid-19 risk

Energy Security Disparities

- State
 - Consumer protections
 - Seasonal or temperature-based shutoff protections, serious illness and elderly protections, payment agreements, late payment fees and security deposit requirements
 - Bill assistance
 - Current bill reductions, arrearage management
 - Effective energy efficiency programs
 - Whole house, deep retrofits, appliance and equipment replacement
 - Zero upfront payment
 - No financing that reduces cash flow benefit of energy efficiency

Energy Security Disparities

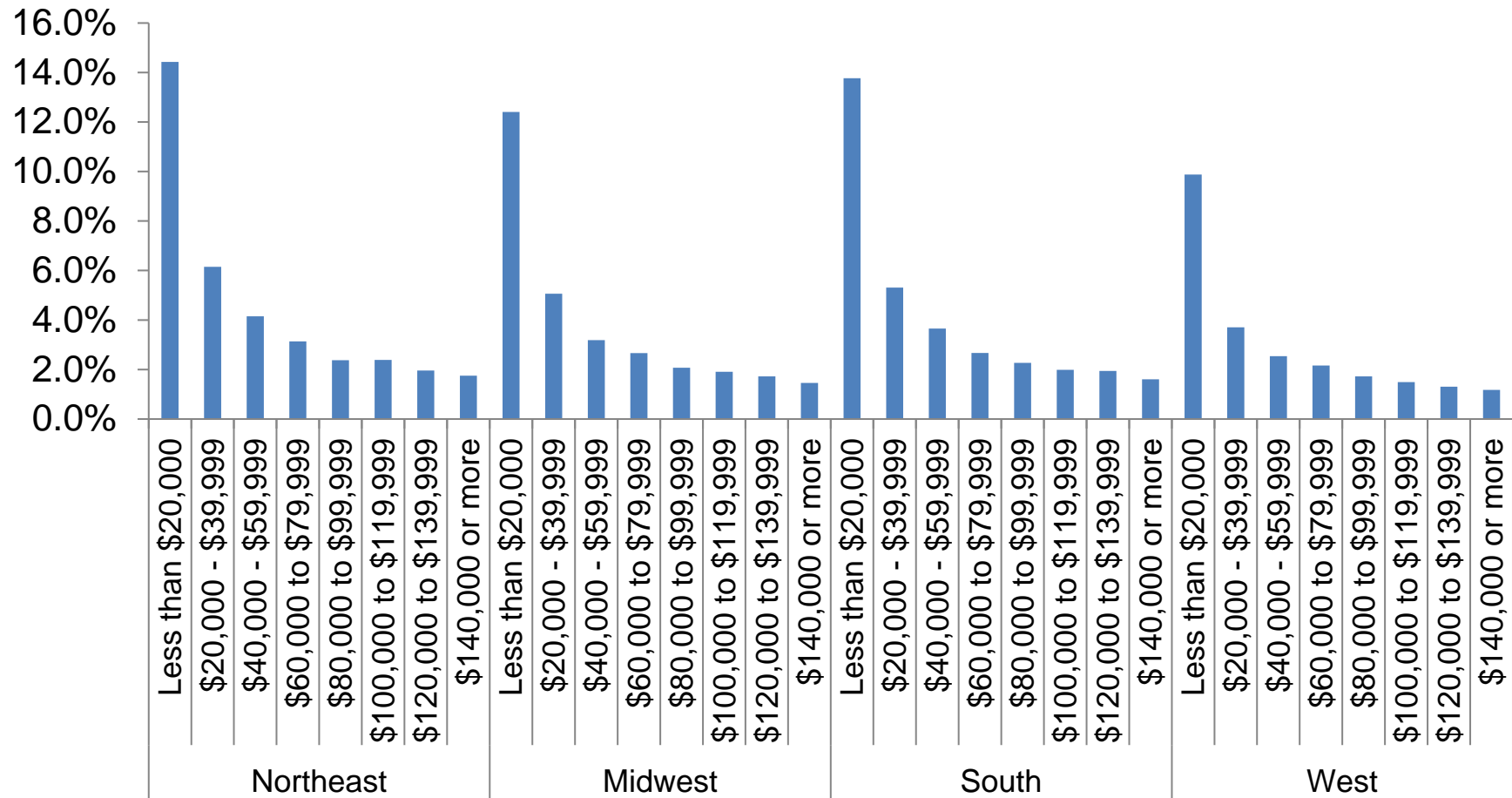
- Utility service territory
 - Rates and bills
 - Credit and collection protocols
 - ***Reasonable*** payment agreements
 - Rates of service disconnection
 - Willingness to work with cash-strapped customers
 - Account write-offs and referral to collection agencies
 - Prepaid service

Energy Security Disparities

- Income
 - Low income
 - Insufficient income to pay for basic monthly necessities
 - Insecure income and benefits
 - Hourly wages
 - Poor health care and time off benefits
- Race
 - Even when controlling for income

OPAEE Exhibit A

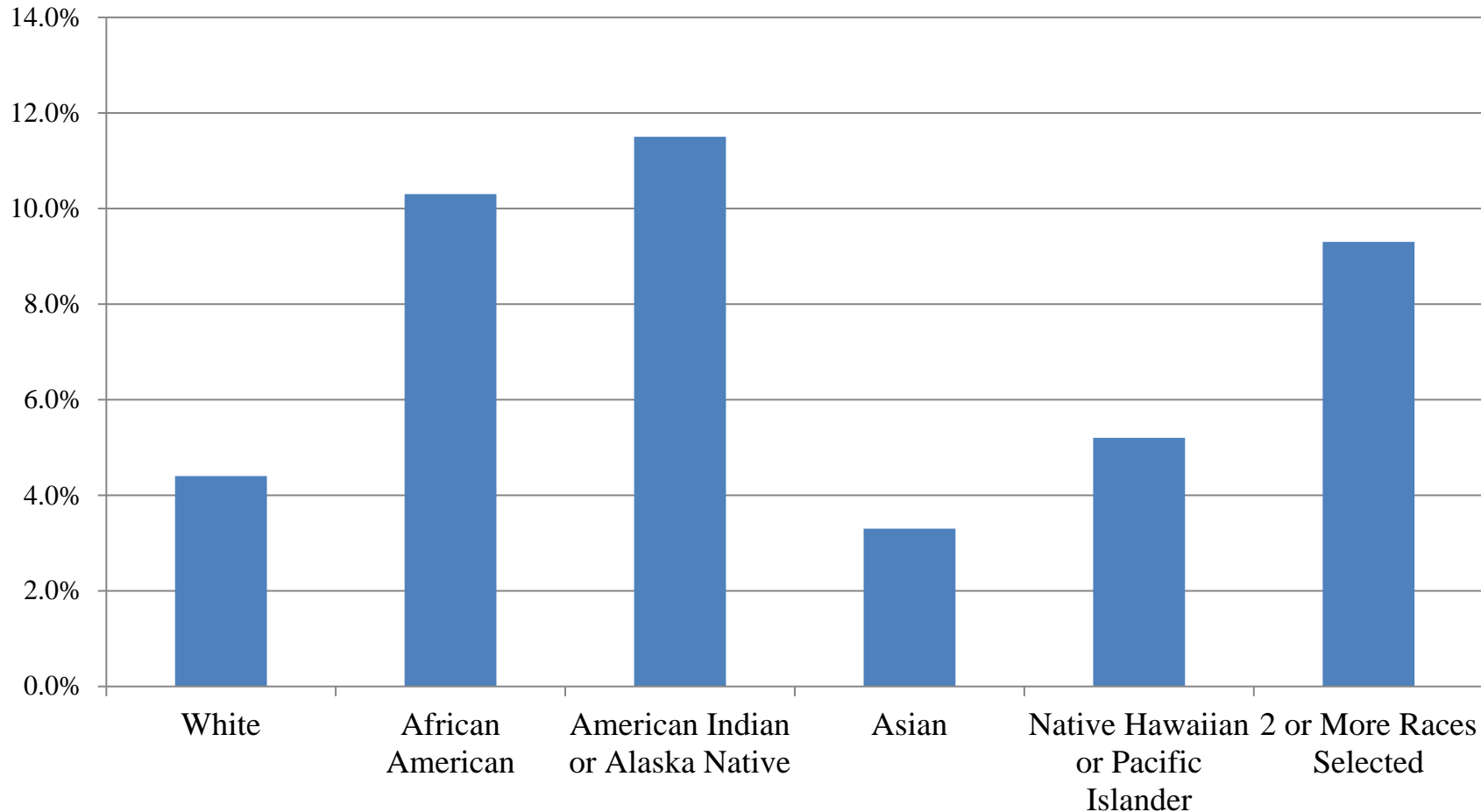
Median 2015 Home Energy Burdens by Income Category and Census Region



Source: EIA 2015 RECS Microdata Crosstabulated by National Consumer Law Center – jhowat@nclc.org

OPAEE Exhibit A

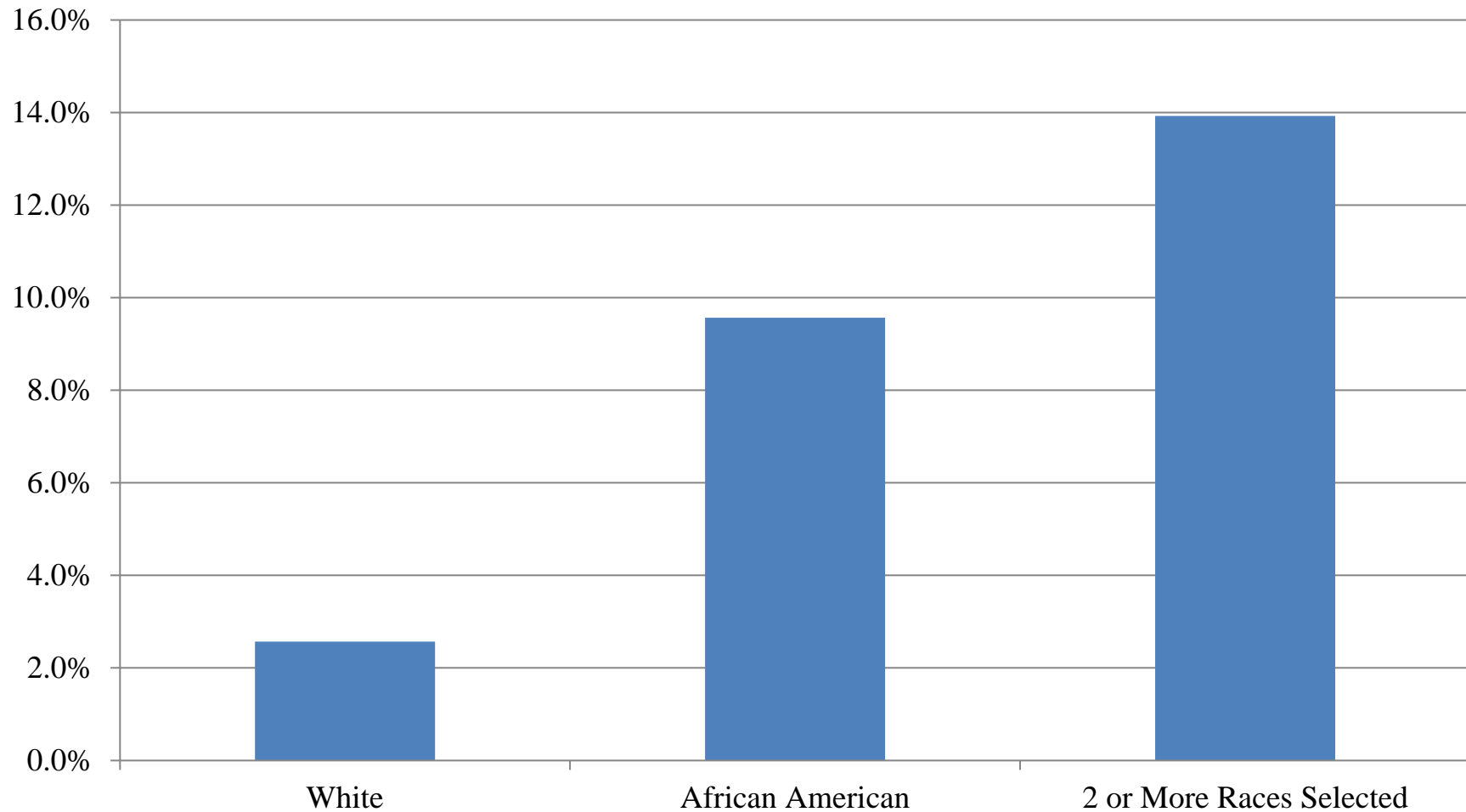
Loss of Heat in the Past Year Due to Unaffordable Utility Service, Fuel or Heating System Repair by Race: 2015 - U.S.



Source: EIA 2015 RECS Microdata Crosstabulated by National Consumer Law Center – jhowat@nclc.org

OPAEE Exhibit A

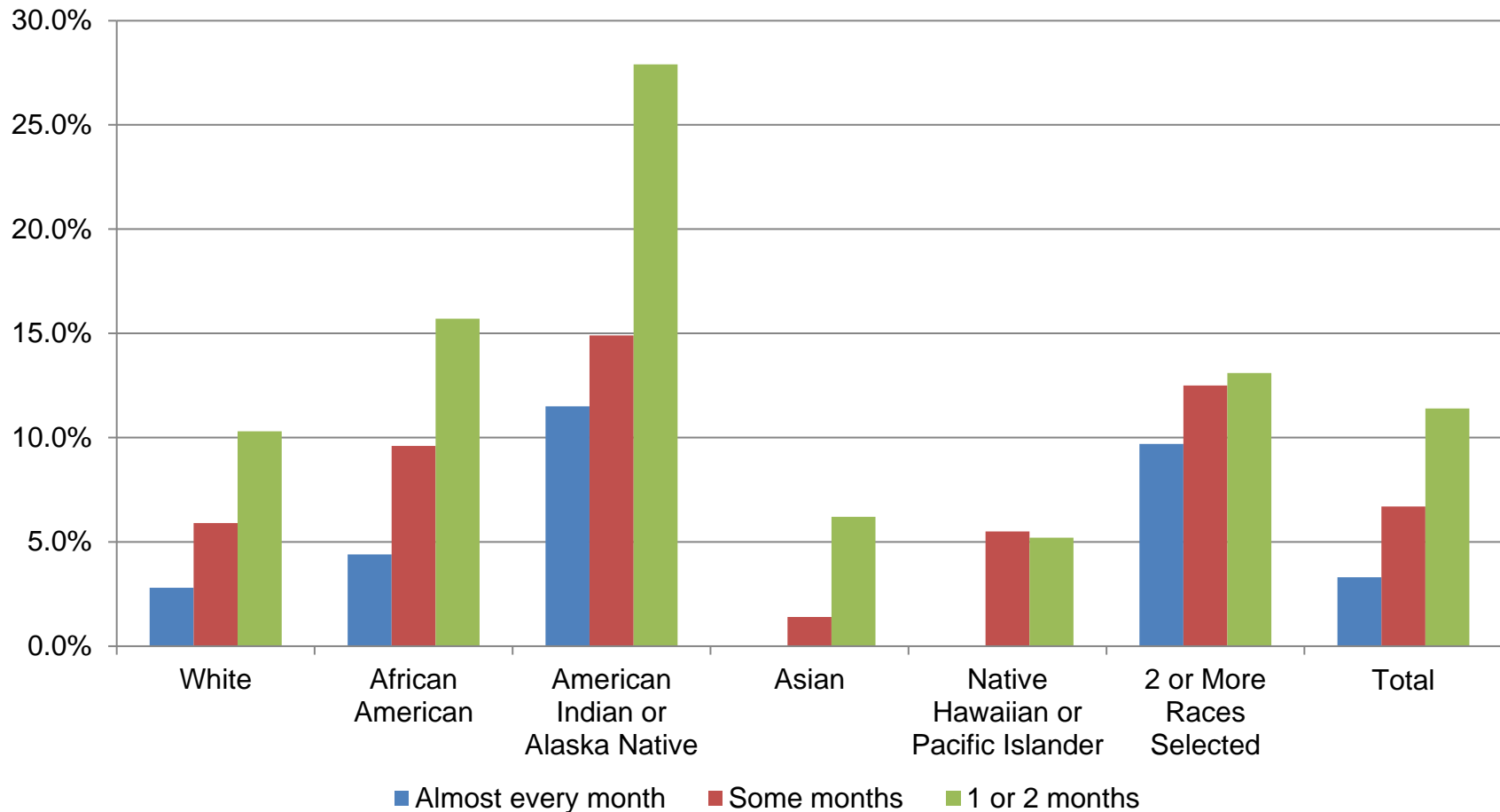
Loss of cooling in the past year due to unaffordable utility service or AC repair by Race: Household Income <\$20,000 2015 - Midwest Census Region



Source: EIA 2015 RECS Microdata Crosstabulated by National Consumer Law Center – jhowat@nclc.org

OPAEE Exhibit A

Frequency of receiving disconnect notice * Householder race U.S. - 2015 - *HH Income < \$40K*



Source: EIA 2015 RECS Microdata Crosstabulated by National Consumer Law Center – jhowat@nclc.org

OPAEE Exhibit A

Electricity Disconnected Inability to Pay * Race of Householder * Region: U.S. Household at or Below 150% Poverty in 2009

			Race and Latino Descent of Householder				
			White	African-American	Latino	2 or More Races	Total
Northeast	No	Count	2644306	725791	1094894	61542	3803830
		%	95.2%	94.2%	92.6%	76.0%	94.5%
	Yes	Count	108494	45005	61541	19410	197145
		%	3.9%	5.8%	5.2%	24.0%	4.9%
Midwest	No	Count	3419706	1341659	638667	104388	5194320
		%	93.1%	92.6%	95.9%	81.7%	93.1%
	Yes	Count	253091	107983	27431	23451	384525
		%	6.9%	7.4%	4.1%	18.3%	6.9%
South	No	Count	7077186	2183720	1840937	14125	9890996
		%	93.4%	83.9%	92.4%	100.0%	91.1%
	Yes	Count	503159	418555	152349	0	965375
		%	6.6%	16.1%	7.6%	0.0%	8.9%
West	No	Count	4035675	388463	2310679	78936	5012604
		%	96.3%	95.6%	96.8%	84.9%	96.4%
	Yes	Count	144626	18047	66223	14047	176720
		%	3.5%	4.4%	2.8%	15.1%	3.4%
Total	No	Count	17176873	4639633	5885177	258991	23901750
		%	94.3%	88.7%	94.5%	82.0%	93.1%
	Yes	Count	1009370	589590	307544	56908	1723765
		%	5.5%	11.3%	4.9%	18.0%	6.7%

Source: EIA 2015 RECS Microdata Crosstabulated by National Consumer Law Center – jhowat@nclc.org

Post-moratorium Energy Security Programs and Policies

- Restore access to service for any utility customer whose service has been cut off without requiring a down payment
- Waive late payment fees and security deposit
- For past-due bills, provide deferred payment plan options that are affordable based on a household's actual income and expenses
- For households with low incomes, use debt forgiveness programs that avoid adding to current monthly bills.
- Expand bill payment programs that reduce monthly bills to an affordable level.
- As weatherization crews safely return to work, expand access to comprehensive whole-house energy efficiency and retrofit opportunities
- Requiring much more comprehensive utility tracking and reporting of data on residential customer overdue bills, disconnections, and repayment efforts, while still respecting billpayer privacy.

OPAЕ Exhibit A

Objectives of Collecting and Reporting Comprehensive, Time-series Credit and Collections Data

- Informed, effective public policy and regulatory decision-making is dependent on reliable, comprehensive time-series data
- Track the home energy security of general residential customers, low-income customers, and others particularly susceptible to harm from loss of service
- Identify home energy security disparities by race and income
- Gauge the effectiveness of programs and policies intended to enhance affordability and ensure high levels of home energy security
- Gauge the effectiveness of credit and collection policies and protocols

OPAE Exhibit A

Credit and Collection Data Points – ***Both*** General Residential and Identified Low-Income ***By Zip Code***

- Number of residential accounts
- Total billed and receipts amounts
- Number and dollar value of late payment fees
- Number and dollar value of unpaid accounts 60-90 days after issuance of a bill
- Number and dollar value of unpaid accounts 90+ days after issuance of a bill
- Number of accounts referred to collection agencies
- Number and duration of new payment agreements
- Number of accounts sent notice of disconnection for non-payment, and number of service
- Number of disconnections for non-payment
- Number of service restorations after disconnection for non-payment
- Number of customers completing an extended payment plan
- Average duration of service disconnection for restored accounts
- Number and dollar value of accounts written off as uncollectible

Utility Resistance to Data Reporting

- Claimed
 - “Burdensome”
 - “Information systems won’t support data reporting”
- Reality
 - PR concerns

Data Collection and Reporting Strategies

- NCLC Issue Brief - <http://bit.ly/brief-covid-19-data>
- Data and information requests
 - Utility rate cases
 - Rulemakings
 - Certificates of public convenience
 - Municipal and cooperative utility meetings
- Community organizing
 - Demanding transparency in disconnections and other hardships is a ***great organizing tool!***

OPAE Exhibit A



Since 1969, the nonprofit **National Consumer Law Center® (NCLC®)** has worked for consumer justice and economic security for low-income and other disadvantaged people, including older adults, in the U.S. through its expertise in policy analysis and advocacy, publications, litigation, expert witness services, and training. **www.nclc.org**

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Summary: Comments on Columbia's Transition Plan electronically filed by Mr. Robert Dove
on behalf of Ohio Partners for Affordable Energy