

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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

**MEMORANDUM CONTRA
OF COLUMBIA GAS OF OHIO, INC.**

Pursuant to Ohio Adm.Code 4901-1-35(B), Columbia Gas of Ohio, Inc. ("Columbia") files this Memorandum Contra to the Application for Rehearing of the Office of the Ohio Consumers' Counsel ("OCC") filed in this docket on June 19, 2020.

Respectfully submitted by,

COLUMBIA GAS OF OHIO, INC.

/s/ Joseph M. Clark

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MEMORANDUM CONTRA

On March 18, 2020, Columbia filed a Motion to Suspend (“Motion”) certain provisions of the Ohio Administrative Code, and the corresponding provisions of its tariff. These requested suspensions allowed Columbia to avoid otherwise applicable disconnection or reconnection requirements that may impose a service continuity hardship on customers or to avoid unnecessary social contact between Columbia personnel, Columbia customers, contractors, and the general public. Staff and intervenors filed comments on the Motion, including OCC. On May 20, 2020 the Commission largely granted Columbia’s Motion with certain clarifications and guidance. And on June 19, 2020, OCC filed an Application for Rehearing from the May 20, 2020 Finding and Order.

The Commission should deny OCC’s Application for Rehearing in its entirety. As a threshold matter, OCC raises nothing new for the Commission’s consideration. For this reason alone the Commission should deny OCC’s Application for Rehearing. Even if the Commission reaches OCC’s substantive arguments, the Commission largely already rejected the arguments raised by OCC and should again reject OCC’s substantive arguments. The Commission has taken appropriate steps to protect and aid customers during this Emergency.

Finally, OCC’s Application for Rehearing should be denied inasmuch as it is *moot*. OCC’s Application for Rehearing relates to Columbia’s Motion. Since the time the Commission issued its Finding and Order on the Motion on May 20, 2020, Columbia filed a Transition Plan to supersede the Motion, comments (including by OCC) were filed on the Transition Plan, *and* the Commission *approved* the Transition Plan by Finding and Order on June 17, 2020. While OCC’s Application for Rehearing may be timely, the Commission’s prudently swift processes to approve a gradual transition of Columbia and its customers back to ordinary operations lapped OCC’s tardy advocacy in this Application for Rehearing.

1. The Commission should not repurpose \$14 million in low income weatherization funds to provide bill assistance to customers.

OCC again encourages the Commission to adopt its misguided proposal to repurpose \$14 million in low income weatherization funds. The Commission noted it is mindful of the likely increased need for bill payment assistance for Columbia’s

customers.¹ However, the Commission declined to address OCC's arguments as they are instead pending in Columbia's annual Demand Side Management ("DSM") Rider Update Case, where other interested parties are afforded the opportunity to present another perspective on OCC's proposal.²

As an initial matter, as the Commission pointed out, this concept is already pending in the *DSM Rider Update Case*.³ That fact alone is sufficient grounds to deny OCC's Application for Rehearing. Further, OCC makes no effort in the Application for Rehearing to explain why consideration of its concept is insufficient in the *DSM Rider Update Case*.

In the *DSM Rider Update Case*, Columbia and OP&A supported the continued use of low-income weatherization funds, as previously approved by the Commission. The low-income weatherization program provides important efficiency improvements that help customers save money on their bills, furnishes important safety checks and improves health impacts for customers. In this case, just like OCC's testimony in the *DSM Rider Update Case*, OCC omits so many critical implementation details that it is impossible to actually judge the value of its recommendations.

OP&A witness Dave Rinebolt perhaps said it best in his Direct Testimony in the *DSM Rider Update Case*: "Simply throwing money at a problem will not put customers on individualized paths to emerge from this emergency situation with no debt. Careful planning that coordinates available payment assistance, rate options, arrearage management, and repayment plans can get most customers current with their utility at the lowest possible cost. This is a complex issue that will

¹ *In the Matter of the Motion of Columbia Gas of Ohio, Inc. to Suspend Certain Procedures and Process During the COVID-19 State of Emergency and Related Matters*, Case No. 20-637-GA-UNC, Finding and Order at 15 (May 20, 2020).

² *Id.*

³ *Id.*; See, e.g., *In the Matter of the Annual Application of Columbia Gas of Ohio, Inc. for an Adjustment to Rider IRP and Rider DSM Rates*, Case No. 19-1940-GA-RDR, Merit Brief by The Office of the Ohio Consumers' Counsel at 2, 7-18 (May 4, 2020); see also *In the Matter of the Application of Vectren Energy Delivery of Ohio, Inc. for Approval of an Adjustment to its Energy Efficiency Funding Rider Rate*, Case No. 20-640-GA-RDR, Finding and Order at 3-4 (June 17, 2020) ("OCC insists that 'this money,' presumably referring to EE funds, should be put to better use in the form of direct bill payment assistance....Regarding OCC's criticisms, the Commission notes that the focus of this proceeding is the appropriate EEFR rate – not the architecture of VEDO's EE programs. Thus, OCC's comments as they relate to altering the Company's EE programs are misplaced in this docket and would be better addressed in the context of VEDO's application for approval to continue its DSM programs.")

require well-designed policies to maximize benefits at the minimum cost through a balanced approach.”⁴

The Commission should again reject OCC’s misguided concept.

2. Columbia should not be required to reconnect customers disconnected up to 30 days before the Emergency.

OCC next takes aim at the Commission’s rejection of OCC’s notion that Columbia should reconnect customers who were disconnected for non-payment up to 30 days before the emergency. The Commission found OCC’s proposed look-back period unnecessary and overly strict.⁵ However, the Commission encouraged Columbia to work with customers to agree on terms to reconnect service regardless of when disconnection occurred, and to temporarily forego the collection of deposits and fees, where it is reasonable to do so under the circumstances.⁶

The Commission should again find OCC’s proposal unnecessary and overly strict. Nothing has changed that would warrant the Commission changing its mind. As the Commission noted in its Order, the Commission extended the winter reconnect order past its planned expiration to May 1, 2020.⁷ Additionally, Columbia voluntarily suspended disconnections effective on March 16, 2020.⁸ Pursuant to the Commission’s Order, Columbia is also taking additional steps to advise customers about deferring certain charges and fees to subsequent bills,⁹ offering the payment plans under the Commission’s rules as well as flexible custom payment plans, and notifying customers of their options.¹⁰ The Commission found that these actions would provide customers immediate bill relief while affording flexibility to Columbia and would also provide each customer an opportunity to get an extended payment plan for charges, fees, and/or deposits.¹¹

⁴ *In the Matter of the Annual Application of Columbia Gas of Ohio, Inc. for an Adjustment to Rider IRP and Rider DSM Rates*, Case No. 19-1940-GA-RDR, Direct Testimony of Dave Rinebolt at 16.

⁵ *In the Matter of the Motion of Columbia Gas of Ohio, Inc. to Suspend Certain Procedures and Process During the COVID-19 State of Emergency and Related Matters*, Case No. 20-637-GA-UNC, Finding and Order at 9-10 (May 20, 2020).

⁶ *Id.*

⁷ *Id.* at 9.

⁸ *Id.* at 9 (“To that end, the Commission appreciates that most utilities immediately suspended all disconnections for non-payment and commenced the reconnection of service”).

⁹ See <https://www.columbiagasohio.com/our-company/news-room/article/bill-concerns-act-now-so-you-can-relax-later> and <https://twitter.com/ColumbiaGasOhio/status/1268190041907572739>.

¹⁰ Finding and Order at 10.

¹¹ *Id.*

For all these reasons, the Commission should again reject OCC's unnecessary and overly strict look-back period.

3. The Commission should not continue the suspension of disconnections for an undefined time after the Emergency.

Next, OCC repeats its rejected proposal for the Commission to continue the suspension of disconnections for a reasonable time after the Emergency. OCC also criticizes Columbia's Transition Plan (which the Commission already approved) to resume service disconnection notices and service disconnections.

The Commission should again reject OCC's proposal. The Commission already approved Columbia's Transition Plan timeframe to begin disconnecting customers with the first billing unit in August 2020, finding Columbia's Transition Plan to be reasonable, particularly in light of the advance notice provided to customers as well as extended payment options.¹² OCC offers no reason for the Commission to change course.

4. The Commission should reject OCC's advocacy related to the Commission's emergency jurisdiction.

OCC encourages the Commission to indefinitely continue its declared emergency. Additionally, OCC criticizes Columbia's proposals in its Transition Plan as premature abandonment or discontinuance of consumer protections.

The Commission should reject OCC's proposal. The Commission has adeptly shown its ability to exercise its proper authority to help customers during the Emergency while also balancing the impacts to Ohio's utilities, including by promptly approving Columbia's Transition Plan. Moreover, the Commission has not actually reversed course on any of its orders addressing the Emergency in its 20-591-AU-UNC docket. If anything, OCC prematurely offers a solution in search of a problem as it relates to the Commission's response to the Emergency.

¹² Supplemental Finding and Order at 9.

5. The Commission should again reject OCC's proposal to adopt all the consumer protection recommendations of the National Consumer Law Center ("NCLC").

Finally, OCC again asks the Commission to adopt the NCLC's proposed customer protection recommendations. OCC reasons there should be a uniform set of guidelines applicable to all utilities, and the NCLC would provide greater customer protections with respect to essential utility services during the Emergency and for a reasonable time afterwards.

OCC again raises nothing new for the Commission's consideration. The Commission pointed out in its Finding and Order that issues of service continuity, social distancing, consumer protections, and payment arrangements, including fees and charges, are being and will continue to be adequately addressed in the Emergency Case as well as in each utility's individual emergency plans or motions for waivers.¹³ The Commission already considered and approved Columbia's Transition Plan, which adequately protects consumers during the Emergency.¹⁴ For these reasons the Commission should deny OCC's Application for Rehearing.

Respectfully submitted,
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¹³ Finding and Order at 17.

¹⁴ Supplemental Finding and Order at 14.

CERTIFICATE OF SERVICE

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. In addition, the undersigned hereby certifies that a copy of the foregoing document is also being served via electronic mail on the 26th day of June, 2020, upon the parties listed below.

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Summary: Memorandum Contra of Columbia Gas of Ohio, Inc. electronically filed by Ms. Melissa L. Thompson on behalf of Columbia Gas of Ohio, Inc.