

## THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE APPLICATION OF  
OHIO POWER COMPANY FOR APPROVAL  
OF ITS TEMPORARY PLAN FOR  
ADDRESSING THE COVID-19 STATE OF  
EMERGENCY.

CASE No. 20-602-EL-UNC

IN THE MATTER OF THE APPLICATION OF  
OHIO POWER COMPANY FOR A WAIVER  
OF TARIFFS AND RULES RELATED TO THE  
COVID-19 STATE OF EMERGENCY.

CASE No. 20-603-EL-WVR

IN THE MATTER OF THE APPLICATION OF  
OHIO POWER COMPANY FOR APPROVAL  
OF CERTAIN ACCOUNTING AUTHORITY.

CASE No. 20-604-EL-AAM

### ENTRY

Entered in the Journal on November 4, 2020

#### I. SUMMARY

{¶ 1} The Commission denies the joint motion of the Coalition on Homelessness and Housing in Ohio, Legal Aid Society of Columbus, Ohio Consumers' Counsel, Ohio Poverty Law Center, and Southeastern Ohio Legal Services to postpone Ohio Power Company d/b/a AEP Ohio's resumption of the anniversary date drop process for the percentage of income payment plan program.

#### II. DISCUSSION

##### A. *Procedural History*

{¶ 2} Ohio Power Company d/b/a AEP Ohio (AEP Ohio or the Company) is an electric light company as defined by R.C. 4905.03 and a public utility as defined by R.C. 4905.02, and, as such, is subject to the jurisdiction of this Commission.

{¶ 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, schedules, or order affecting any public utility or part of any public utility in this state.

{¶ 4} On March 9, 2020, the governor signed Executive Order 2020-01D (Executive Order), declaring a state of emergency in Ohio to protect the well-being of Ohioans from the dangerous effects of COVID-19. As described in the Executive Order, state agencies are required to implement procedures consistent with recommendations from the Department of Health to prevent or alleviate the public health threat associated with COVID-19. Additionally, all citizens are urged to heed the advice of the Department of Health regarding this public health emergency in order to protect their health and safety. The Executive Order was effective immediately and will remain in effect until the COVID-19 emergency no longer exists. The Department of Health is making COVID-19 information, including information on preventative measures, available via the internet at [coronavirus.ohio.gov/](https://coronavirus.ohio.gov/).

{¶ 5} Pursuant to R.C. 3701.13, the Ohio Department of Health has supervision of “all matters relating to the preservation of the life and health of the people” and the “ultimate authority in matters of quarantine and isolation.” On March 12, 2020, the Director of the Ohio Department of Health issued an Order indicating that “all persons are urged to maintain social distancing (approximately six feet away from other people) whenever possible.”

{¶ 6} On March 12, 2020, the Commission opened Case No. 20-591-AU-UNC and directed all utility companies in this state to review their disconnection procedures in light of the state of emergency. *In re the Proper Procedures and Process for the Commission's Operations and Proceedings During the Declared State of Emergency and Related Matters*, Case No. 20-591-AU-UNC (*Emergency Case*), Entry (Mar. 12, 2020) at ¶ 7. On March 13, 2020, the Commission extended its winter reconnection order through May 1, 2020, and directed all utility companies in this state to review their reconnection procedures. *Emergency Case*, Entry (Mar. 13, 2020) at ¶ 6. In the March 12, 2020, and March 13, 2020 Entries, the Commission also directed all utility companies to promptly seek any necessary approval,

for the duration of the emergency, to suspend otherwise applicable disconnection or reconnection requirements that may impose a service continuity or service restoration hardship on residential and non-residential customers or create unnecessary COVID-19 risks associated with social contact. The Commission determined that such filings shall be deemed approved on an emergency basis for a period of at least 30 days effective as of the filing date or until such date as the Commission may otherwise specify, which shall not be less than 30 days.

{¶ 7} On March 17, 2020, AEP Ohio filed an application for approval of its temporary plan for addressing the COVID-19 state of emergency.

{¶ 8} On March 20, 2020, in the *Emergency Case*, the Commission directed all utility companies to suspend in-person, actual meter readings in circumstances where a meter is located inside a customer's home or similar location, as well as all other non-essential functions that may create unnecessary COVID-19 risks associated with social contact. The Commission also clarified that requests for accounting authority or incremental cost recovery related to the emergency will be addressed in each utility's individual case by subsequent entry. *Emergency Case*, Entry (Mar. 20, 2020) at ¶¶ 10-11, 13.

{¶ 9} On March 24, 2020, AEP Ohio filed an amended application for approval of its temporary plan for addressing the COVID-19 state of emergency.

{¶ 10} On April 8, 2020, in the *Emergency Case*, the Commission, among other things, extended the 30-day automatic approval period for filings to suspend otherwise applicable disconnection requirements for an additional 30 days, unless otherwise ordered by the Commission. *Emergency Case*, Finding and Order (Apr. 8, 2020) at ¶ 9.

{¶ 11} AEP Ohio filed a second amended application on April 9, 2020.

{¶ 12} On April 15, 2020, Staff filed its review and recommendations in response to AEP Ohio's request for approval of its emergency plan, as amended.

{¶ 13} By Entry dated April 17, 2020, the attorney examiner directed that motions for intervention and comments be filed in these proceedings no later than April 27, 2020.

{¶ 14} On April 27, 2020, comments were filed by numerous intervenors, including Ohio Consumers' Counsel (OCC) and Ohio Partners for Affordable Energy (OPAE).

{¶ 15} By Finding and Order dated May 6, 2020, the Commission approved AEP Ohio's second amended application, subject to Staff's recommendations and modifications, and consistent with the Finding and Order. Among other things, the Commission directed AEP Ohio to work with Staff to develop a plan for the resumption of service disconnections and other activities, including timelines and provisions for extended payment plans for both residential and non-residential customers impacted by the emergency. The Commission directed that interested persons may file comments regarding the plan within ten days after its filing. May 6, 2020 Finding and Order at ¶ 25.

{¶ 16} On July 6, 2020, AEP Ohio filed an updated compliance plan and report, including a transition plan for resuming disconnections and other activities (transition plan).

{¶ 17} On July 16, 2020, OCC and OPAE filed comments in response to AEP Ohio's transition plan.

{¶ 18} On August 12, 2020, the Commission approved AEP Ohio's transition plan, consistent with the Commission's Supplemental Finding and Order. With respect to percentage of income payment plan (PIPP) customers, the Commission directed AEP Ohio to work with the Ohio Development Services Agency (ODSA) to determine how and when eligibility and verification requirements would be reinstated after the resumption of disconnections and to file a notice in these dockets by August 21, 2020, confirming how the PIPP and Graduate PIPP programs would begin to resume their normal operations. August 12, 2020 Supplemental Finding and Order at ¶ 38.

{¶ 19} Following consultation with ODSA, AEP Ohio filed, on August 21, 2020, a notice describing how the normal operations of the PIPP and Graduate PIPP programs will be resumed by the Company and ODSA.

{¶ 20} On September 17, 2020, the Coalition on Homelessness and Housing in Ohio, Legal Aid Society of Columbus, OCC, Ohio Poverty Law Center, and Southeastern Ohio Legal Services (collectively, Consumer Groups) filed a joint motion requesting that the Commission prohibit AEP Ohio from dropping customers from the PIPP program prior to January 2021.

{¶ 21} AEP Ohio filed a memorandum contra the Consumer Groups' motion on September 24, 2020.

{¶ 22} The Consumer Groups filed a reply in support of their motion on October 1, 2020.

***B. Consideration of the Motion***

{¶ 23} In their motion, the Consumer Groups request that the Commission prevent AEP Ohio from removing customers from the PIPP program at least until January 2021. In support of their motion, the Consumer Groups state that at-risk Ohioans continue to struggle with health and financial challenges resulting from the COVID-19 pandemic and that it is, therefore, necessary to continue consumer protections for PIPP customers through at least the end of the year. The Consumer Groups assert that, although AEP Ohio acknowledged that ODSA intends to continue consumer protections for electric PIPP customers through the end of 2020, the Company nonetheless plans to drop customers from the PIPP program starting in October 2020. The Consumer Groups argue that the Commission should prevent AEP Ohio from doing so, while also directing Staff to work with ODSA to assist in coordinating future plans for reinstating all electric PIPP eligibility and verification requirements.

{¶ 24} In its memorandum contra, AEP Ohio asserts that the Consumer Groups have misconstrued the notice filed by the Company on August 21, 2020, and that their motion should be denied. AEP Ohio states that, under its transition plan, the Company appropriately extended anniversary dates for PIPP customers to October 2020, in an effort to assist customers in becoming current with their payments through the additional benefits afforded by the issuance of the Commission's winter reconnect order and the availability of winter crisis funds, as well as an expanded Neighbor-to-Neighbor bill assistance program. AEP Ohio notes that the emergency relief offered by the Commission's winter reconnect order begins on October 5, 2020, while winter crisis funds become available on November 1, 2020. As to the specific process for removing customers from the PIPP program for failure to be current on their income-based payments by their anniversary date, AEP Ohio explains that a customer will receive notice on the bill issued on the October anniversary date that the account is not current; will receive a second notice on the bill issued in November if the account is still not current; and will be removed from the PIPP program, with notice provided on the bill issued in December, if the account is not current by the December drop date. According to AEP Ohio, this process affords PIPP customers additional time to remain in the program during a period where winter crisis funds are made available to enable customers to become current. AEP Ohio argues that the Consumer Groups' motion is based on a mischaracterization of the Company's process and the erroneous belief that customers will be removed from the PIPP program beginning in October. AEP Ohio adds that, when compared with the Company's actual plan to not resume anniversary date drops until December, the Consumer Groups' proposal amounts to one additional billing cycle, which is not justified.

{¶ 25} In their reply in support of their joint motion, the Consumer Groups dispute AEP Ohio's claim that moving the date by which PIPP customers must be current to October 2020 was intentionally timed to allow customers access to additional benefits under the winter crisis program. The Consumer Groups note that, although PIPP customers will receive notice on their October bills that their accounts must be made current, winter crisis

funds are not available to assist customers until November 1, 2020. The Consumer Groups also note that it may not be possible for PIPP customers to secure winter crisis funds in November before drops resume in December, due to the large number of Ohioans who will be seeking help from the same community agencies at the same time. Additionally, the Consumer Groups question AEP Ohio's contention that the difference between the Consumer Groups' request for a resumption of anniversary date drops in January 2021 and the Company's planned process amounts to less than 30 days. According to the Consumer Groups, AEP Ohio's process will result in drops occurring a full month earlier than the Consumer Groups' recommendation. Noting that the state of emergency is far from being over, the Consumer Groups emphasize that ODSA has tentatively decided to resume its normal PIPP operations on January 1, 2021, with ODSA planning to reevaluate the issue in December 2020. The Consumer Groups conclude that the Commission should require AEP Ohio to maintain consumer protections for PIPP customers until ODSA, as the administrator of the electric PIPP program, determines that it is safe to resume drops, which should be no sooner than January 2021.

{¶ 26} Upon thorough review of the Consumer Groups' motion, the Commission finds that the motion should be denied. Initially, we note that AEP Ohio addressed the resumption of the PIPP anniversary date drop process in its transition plan. In response, the Commission directed AEP Ohio to work with ODSA to determine how and when PIPP eligibility and verification requirements will be reinstated and to file, by August 21, 2020, a notice confirming how the PIPP and Graduate PIPP programs will begin to resume their normal operations. August 12, 2020 Supplemental Finding and Order at ¶¶ 35, 38. Following consultation with ODSA, AEP Ohio filed its notice on August 21, 2020, as directed by the Commission. In the notice, AEP Ohio reported that ODSA plans to resume PIPP drops for failure to reverify eligibility<sup>1</sup> beginning on January 1, 2021, although ODSA

---

<sup>1</sup> Ohio Adm.Code 122:5-3-03(C)(1) provides, in part, that, "[i]f 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 [ODSA's]

intends to evaluate the status and impact of COVID-19 in Ohio in December 2020, which may result in the postponement of PIPP reverification drops to a later date. AEP Ohio also noted that, under PIPP program rules,<sup>2</sup> it is required to drop an active PIPP customer from the program who is not current with monthly PIPP payments on the account's anniversary date. AEP Ohio stated that, in August 2020, it changed all PIPP customers' anniversary dates for the period January 1, 2020, through September 30, 2020, to October 2020. AEP Ohio further stated that, in October 2020, it would resume the anniversary date drop process, with bill messages appearing on past due PIPP customers' bills in October and November that urge customers to bring the missed PIPP payments current, and drops occurring prior to the December bill if the past due payments are not made.

{¶ 27} The Consumer Groups' motion mischaracterizes AEP Ohio's process for resuming drops for failure to be current on PIPP payments by the customer's anniversary date. Specifically, the Consumer Groups contend that AEP Ohio's notice states that the Company "would cut short any added protections for electric PIPP customers by dropping customers from the program starting in October 2020." AEP Ohio's notice, however, makes clear that, although the anniversary date drop process will resume in October, customers will not be removed from the PIPP program until after notice is provided on both the October and November bills that the account must be made current and customers have not made up the missed payments prior to the issuance of December bills.

{¶ 28} In their reply, the Consumer Groups appear to acknowledge AEP Ohio's actual process for resuming PIPP anniversary date drops in stating that the process will result in customers being dropped from the PIPP program "a full month earlier" than the Consumer Groups' recommendation. The Consumer Groups, however, have failed to

---

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."

<sup>2</sup> Ohio Adm.Code 122:5-3-02(H)(1)(b)(i) provides that, "[i]f the customer is not current on his/her anniversary date, the electric distribution utility will issue a notice on the customer's bill, and the customer will have one billing cycle after the date of the notice to pay past due monthly PIPP plus installment amounts. If such amounts are not timely paid, the electric distribution utility will drop the customer from the PIPP plus program, and such customer will cease to be an active PIPP plus customer."



justify their request for a one-month postponement in resuming normal PIPP operations with respect to failure to be current on the anniversary date. The Consumer Groups essentially assert that the timing of AEP Ohio's resumption of PIPP drops for failure to be current on the anniversary date should be precisely aligned with ODSA's time frame for resuming drops for failure to reverify eligibility for the PIPP program. The Consumer Groups have not explained why the timing for the resumption of these two different PIPP program requirements must be bound together, aside from concern for the ongoing state of emergency caused by the pandemic. As we have previously recognized, many customers may continue to experience financial stress as a result of COVID-19, despite the gradual reopening of businesses throughout Ohio. We have also noted that emergency measures such as the suspension of service disconnections for non-payment cannot remain in effect indefinitely. May 6, 2020 Finding and Order at ¶ 25; August 12, 2020 Supplemental Finding and Order at ¶ 26. The Commission continues to take reasonable steps to protect customers, most recently by ordering an implementation date for the 2020-2021 winter reconnect order that is earlier than in prior years. *In re the Commission's Consideration of Solutions Concerning the Disconnection of Gas and Electric Service in Winter Emergencies for the 2020-2021 Winter Heating Season*, Case No. 20-1252-GE-UNC, Finding and Order (Aug. 12, 2020). The Commission will also continue to monitor service continuity and related issues, as well as the availability of extended payment plans and other customer assistance programs, through the *Emergency Case* and through the individual emergency plan cases of AEP Ohio and other public utilities regulated by the Commission.

### III. ORDER

{¶ 29} It is, therefore,

{¶ 30} ORDERED, That the motion filed by the Consumer Groups on September 17, 2020, be denied. It is, further,

{¶ 31} ORDERED, That a copy of this Entry be served upon all interested persons and parties of record.

COMMISSIONERS:

*Approving:*

M. Beth Trombold  
Lawrence K. Friedeman  
Daniel R. Conway  
Dennis P. Deters

SJP/mef

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**11/4/2020 2:29:30 PM**

**in**

**Case No(s). 20-0602-EL-UNC, 20-0603-EL-WVR, 20-0604-EL-AAM**

Summary: Entry denying the joint motion of the Coalition on Homelessness and Housing in Ohio, Legal Aid Society of Columbus, Ohio Consumers' Counsel, Ohio Poverty Law Center, and Southeastern Ohio Legal Services to postpone Ohio Power Company d/b/a AEP Ohio's resumption of the anniversary date drop process for the percentage of income payment plan program electronically filed by Heather A Chilcote on behalf of Public Utilities Commission of Ohio