**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

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| In the Matter of the Application of Duke Energy Ohio, Inc., for a Waiver of Specific Sections of the Ohio Administrative Code.  | )))) | Case No. 22-43-GE-WVR |

**CONSUMER PROTECTION COMMENTS**

**BY**

**OFFICE OF THE OHIO CONSUMERS’ COUNSEL**

# I. INTRODUCTION

Duke Energy Ohio (“Duke”) proposed waivers from complying with PUCO rules while it converts customer account information from its legacy customer information systems to a new corporatewide system called “Customer Connect.”[[1]](#footnote-2) The transition period for conversion is expected to occur between February 18, 2022 through July 1, 2022.[[2]](#footnote-3) Duke’s waiver request provides no documentation or support of technical or financial reasons why such an extended transition period is needed. According to Duke, many of the transition activities will be undertaken in a relatively short period of time between March 30, 2022 and April 6, 2022.[[3]](#footnote-4)

Unfortunately, the overall impact of allowing such an extended transition period (over four months) for Duke’s conversion to the new billing system on consumers’ abilities to maintain electric and/or natural gas services can be significant and with

long-lasting negative implications. These implications include an inability for consumers to apply for new extended payment plans[[4]](#footnote-5) or to enroll in budget billing.[[5]](#footnote-6)

Additionally, in the middle of the winter heating season, many low-income consumers will be prevented from being able to enroll in the Percentage of Income Payment Plan (“PIPP”) program and/or from being able to comply with all the requirements to remain on that program.

Between March 18, 2022 and April 6, 2022, the legacy system and the new CIS system will be unavailable for consumers to make choice-related changes to their service. Shopping consumers will be unable to return to the standard service offer for electric and/or the GCR for natural gas supply to lower their energy bills for approximately three weeks (or longer depending on the backlog and timing of such requests).

Duke has proposed as part of the transition to the new billing system to suspend disconnections for non-payment of electric and natural gas services between March 1 through July 1, 2022. That is appreciated. But whether and how consumers are alerted once disconnections resume and have time to respond to prevent shut offs can be problematic because there are fewer required consumer protections (notices, payment plans, special reconnect procedures, financial assistance programs, etc.) available to consumers in the summer months. These comments recommend additional actions be taken by the PUCO to protect Duke consumers during and after the transition.

# II. RECOMMENDATIONS

## A. The PUCO should deny any proposed waiver that would prevent consumers from fully utilizing the Special Winter Reconnection Order and other consumer protection programs.

The PUCO issued an Order setting forth special winter reconnection procedures that are intended to protect all Ohio residential utility consumers that are in effect between October 18, 2021 through April 15, 2022.[[6]](#footnote-7) Under these procedures, consumers have special protections for having services reconnected, prevent disconnections for non-payment, or request having new services initiated with a one-time payment of $175 regardless of the balance. The $175 can be provided to income eligible consumers from the Winter Crisis Program and/or other financial assistance programs.[[7]](#footnote-8) At the time consumers invoke the special reconnection order by paying the $175, they are also required to enroll in an extended payment plan to pay the remaining unpaid balance beginning with their next bill. Consumers who are eligible for PIPP can make the $175 payment and enroll or re-enroll on PIPP. However, consumers lack protections of the Special Winter Reconnection Order under Duke’s waiver request proposals.

### 1. Consumers should have uninterrupted access to budget billing, extended payment plans, and PIPP.

According to Duke’s waiver request, Duke consumers will not be able to enroll in budget billing, extended payment plans, and PIPP at different times throughout the transition period and prior to the April 15, 2022 end date for the special winter reconnection order. At a minimum, this can cause confusion for consumers and uncertainty regarding their responsibilities for maintaining service under the winter reconnection order when they are unable to enroll in payment plans or PIPP as required. Consumers may be inhibited from using the winter reconnection order for its intended purposes if Duke does not provide more flexibility in permitting consumers to enroll on PIPP and to apply for extended payment agreements throughout the transition to the new CIS. Consumers should have uninterrupted access to budget billing, extended payment plans, and PIPP as required under the PUCO’s rules,[[8]](#footnote-9) and the PUCO should require Duke to provide that access. This can potentially be accomplished by Duke operating the legacy systems involving customer payment agreements in parallel with the new CIS as it is being installed.

### 2. Consumers should continue to receive disconnection notices throughout the transition.

Duke’s proposed waiver request could result in some low-income consumers being unable to obtain bill payment assistance through the Home Energy Assistance Program (“HEAP”) Winter Crisis Program (“WCP”) or other payment assistance programs that may be available. This is because some of these financial assistance programs (like the WCP) require consumers to have disconnection notices to participate in the program. Duke’s waiver request suspends disconnections after March 1, 2022, but it remains unclear when the disconnection notices will be on the bill again, but potentially not until June 1, 2022.[[9]](#footnote-10)

Since the funding for the Winter Crisis Program ends on March 30, 2022, consumers will not be able to access the program after this date. Consumers would benefit from obtaining WCP assistance while the program is available to help reduce the amount owed when disconnections resume. Even though disconnections will be suspended until July 1, 2022, the PUCO should require Duke to provide consumers who are delinquent with their payments with disconnection notices along with the bill (or separately) so that consumers can obtain available bill payment assistance through the WCP or any other available program.

### 3. The PUCO should require Duke to immediately stay any further disconnections for non-payment for the remainder of this winter heating season and to work with currently disconnected consumers to get services restored before the transition.

Duke has proposed as part of the transition to the new billing system a suspension of disconnections for non-payment of electric and natural gas services between March 1 through July 1, 2022. That is appreciated. However, Duke’s proposed waiver request includes a delay in posting payments that are made by consumers or on behalf of consumers between March 31 through April 6, 2022.[[10]](#footnote-11) While not explicitly discussed in the Application, if payments are made on or after March 31st, there is no assurance that consumers who were previously disconnected could be reconnected until after Duke posts these payments on April 6, 2022. This can result in consumers being disconnected for longer than necessary.

To avoid any potential reconnection delay because of the billing system transition, the PUCO should protect consumers by immediately (prior to Duke’s proposed March 1, 2022 date) requiring Duke to stay any further disconnections for non-payment through July 1, 2022. And Duke should be instructed to work with consumers who are currently disconnected and wish to be reconnected with special payment plans to get the services restored ahead of the CIS transition.

## B. The PUCO should require Duke to develop and publicly file a more comprehensive plan and details for how it intends to protect consumers when it resumes disconnections on July 1, 2022.

Duke’s waiver request application provides limited details at best regarding how the Utility will resume disconnections on July 1, 2022. In fact, other than stating that “[o]n June 1, 2022, the Company will resume printing disconnect notices on bills, and all disconnect notice and collection campaigns will resume,”[[11]](#footnote-12) there are no actual details provided for when “disconnections for nonpayment will resume” on July 1, 2022.[[12]](#footnote-13)

While the suspension of disconnections throughout the CIS transition is certainly appropriate and a welcome reprieve for many consumers, there could potentially be a large number of Duke consumers eligible for disconnection for nonpayment after the suspension. Following a recent statewide moratorium on disconnections and other activities, the PUCO required Duke to file a comprehensive plan that included more specific details and timelines for the resumption of all credit and collection activities.[[13]](#footnote-14) The types of topics appropriate for that plan included the number of consumers eligible for disconnection, arrearages, communications with affected consumers, disconnection notices and timelines, criteria for prioritizing disconnections, options to avoid disconnection including separation of services, protection of at-risk consumers including PIPP consumers, specialized payment plans, and available financial assistance. That was a plan appropriate for that time.

To protect consumers, the PUCO should now similarly require Duke to work with interested parties in this proceeding and to file a comprehensive plan not later than 45 days prior to when Duke intends to resume credit and collection activities.

## C. The PUCO should modify Duke’s waiver request pertaining to O.A.C. 4901:1-10-29 and 4901:1-13-14 and require Duke to notify shopping consumers who are returning to Duke’s standard service offer or GCR about any delay in processing the request and the actual date when the switch will take place.

Duke’s waiver request includes a temporary waiver between March 18 through April 6, 2022 from the requirements in O.A.C. 4901:1-10-29 and 4901:1-13-14 involving shopping consumers who return to the standard service offer (electric) or GCR (natural gas).[[14]](#footnote-15) However, the waiver request does not include requirements for informing consumers about any delay associated with the switch due to the CIS transition. The PUCO should require Duke to notify consumers who are returning to the standard service offer or GCR about the cause for any delay. Consumers should also be informed about the date on which they will be returned to the standard service offer or GCR for the supply of electricity and/or natural gas.

# III. CONCLUSION

To minimize the impact on consumers as Duke changes to its new billing system, the PUCO should adopt OCC’s consumer protection recommendations.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

 I hereby certify that a copy of these Consumer Protection Comments was served on the persons stated below via electronic transmission, this 25th day of February 2022.

 */s/ Amy Botschner O’Brien*

 Amy Botschner O’Brien

 Assistant Consumers’ Counsel

The PUCO’s e-filing system will electronically serve notice of the filing of this document on the following parties:

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1. Application for Waiver of Duke Energy Ohio, Inc. (January 18, 2022). [↑](#footnote-ref-2)
2. *Id*. Although the 2021 conversion period dates cited in the application is apparently a typographical error in the pleading. [↑](#footnote-ref-3)
3. Application at 1. [↑](#footnote-ref-4)
4. *See* Application at 3. Consumers are unable to enroll in extended payment plans during the period March 31 through April 6, 2022 to proactively address any past due bills and debt they may have incurred this winter. [↑](#footnote-ref-5)
5. *See* Duke correspondence clarifying the Application (February 8, 2022) where consumers will be unable to enroll in budget billing during an approximate five-week period beginning March 1 through April 6, 2022 to manage their home energy budgets. [↑](#footnote-ref-6)
6. *In the Matter of the Commission’s Consideration of Solutions Concerning the Disconnection of
Gas and Electric Service in the Winter Emergencies for the 2021-2022 Winter Heating Season*, Finding and Order at 4-5 (September 8, 2021). [↑](#footnote-ref-7)
7. *Id*. [↑](#footnote-ref-8)
8. *See*, generally, O.A.C. 4901:1-18. [↑](#footnote-ref-9)
9. *See* Duke’s Application on page 6 where the Company claims it will resume printing disconnection notices on bills and all disconnection notices on June 1, 2022. Yet Duke has claimed in other meetings with OCC that the disconnect notices will remain on the bill throughout the transition. [↑](#footnote-ref-10)
10. Application at 7. [↑](#footnote-ref-11)
11. Application at 6. [↑](#footnote-ref-12)
12. *Id.* [↑](#footnote-ref-13)
13. *In the Matter of the Application of Duke Energy Ohio, Inc. For Approval of Its Temporary Plan and Waiver of Tariffs and Rules Related to the Covid-19 State of Emergency*, Case No. 20-599-GE-UNC, Finding and Order at 9-10 (June 17, 2020). [↑](#footnote-ref-14)
14. Application at 8. [↑](#footnote-ref-15)