**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

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| In the Matter of the Commission’s Consideration of Solutions Concerning the Disconnection of Gas and Electric Service in Winter Emergencies for the 2022-2023 Winter Heating Season.In the Matter of The Commission’s Consideration of Solutions Concerning the Disconnection of Gas and Electric Service in Winter Emergencies for the 2023-2024 Winter Heating Season. | ))))))))))) | Case No. 22-668-GE-UNCCase No. 23-856-GE-UNC |

**MEMORANDUM CONTRA**

**AEP OHIO’S APPLICATION FOR REHEARING**

**BY**

**OFFICE OF THE OHIO CONSUMERS’ COUNSEL**

# I. INTRODUCTION

The PUCO did the right thing for consumers when it granted a motion by OCC and other consumer advocates to prohibit utilities from disconnecting Ohioans for 30 days while their applications for bill-payment assistance are being processed.[[1]](#footnote-1) The PUCO affirmed the 30-day suspension of disconnections in its Third Entry on Rehearing in Case No. 22-668-GE-UNC[[2]](#footnote-2) and continued the 30-day suspension of disconnections in the Second Entry on Rehearing in Case No. 23-856-GE-UNC.[[3]](#footnote-3) AEP Ohio now challenges this protection for consumers through its Application for Rehearing. AEP Ohio’s Application for Rehearing should be denied.

AEP Ohio’s complaints regarding the PUCO’s suspension of disconnections for 30 days while consumers seek utility bill payment assistance are not surprising. AEP’s latest disconnection report shows that it disconnected 155,398 residential consumers for nonpayment from June 1, 2022 through May 31, 2023, while the other large Ohio electric utilities disconnected a *combined* 125,481 residential consumers during the same period.[[4]](#footnote-4)

The PUCO should reject AEP Ohio’s arguments and deny its application for rehearing.

# II. ARGUMENT

1. **Distribution utilities and community action agencies regularly work together on issues regarding disconnecting consumers from utility service, payment plans, and financial assistance. AEP Ohio’s claim that the PUCO’s entries on rehearing are unclear because they require AEP Ohio to use its “best efforts” to work with consumers and community action agencies has no merit.**

AEP Ohio first takes issue[[5]](#footnote-5) with the PUCO’s determination that “the utilities shall use best efforts to work with customers and Community Action Agencies (“CAAs”) to ensure that customers’ paperwork is timely processed, so as to prevent disconnections after the 30-day disconnect suspension expires.”[[6]](#footnote-6) AEP Ohio claims that this requirement is somehow “ambiguous and impractical.”[[7]](#footnote-7) It is not. The PUCO should deny AEP Ohio’s first assignment of error.

 The PUCO correctly rejected Duke’s similar requests for clarification in the Third Entry on Rehearing.[[8]](#footnote-8) Distribution utilities are already required to work with consumers and community action agencies to prevent disconnections. There is nothing ambiguous or impractical about the PUCO’s directive.

For example, for the five-day suspension of disconnections required under the PUCO’s previous Special Reconnect Orders, community action agencies send faxes or e-mails to the utility indicating that a consumer has scheduled an appointment to process assistance applications.[[9]](#footnote-9) Utilities do not have control over when a consumer schedules an appointment with a community action agency. But still, a utility will receive notice from the community action agency through fax or e-mail that the applicant’s appointment has been scheduled, which alerts the utility to suspend disconnection for five days. Utilities were also required to communicate and coordinate with community action agencies during the pandemic to ensure consumers stayed connected to their utility service.

Requiring utilities to work with consumers and community action agencies to prevent disconnection is nothing new or novel. (Indeed, AEP Ohio is the only distribution utility to seek further rehearing of the PUCO’s entries.) AEP Ohio’s claim that the PUCO’s entries on rehearing are ambiguous has no merit. AEP Ohio’s first assignment of error in its application for rehearing should be denied.

1. **AEP Ohio’s proposed clarifications in its second assignment of error are unnecessary and harmful to consumers. The PUCO should deny AEP Ohio’s second assignment of error.**

In its second assignment of error, AEP Ohio wants the PUCO to clarify that the 30-day suspension can be extended only if the Ohio Department of Development or a community action agency can “verify” that they have not been able to schedule an appointment with the consumer.[[10]](#footnote-10) AEP Ohio’s request for clarification itself is unclear and should be rejected. What type of verification would be required? Would verification have to be requested by the consumer or would the community action agency verify on its own accord? Would such verification be an unnecessary hurdle for already overburdened community action agencies? AEP Ohio’s request appears to add unnecessary steps and complexity to the process that could ultimately harm consumers.

In addition, AEP Ohio wants the PUCO to allow *immediate* disconnection of consumers after the 30-day suspension of disconnection if they do not enter a payment arrangement.[[11]](#footnote-11) This request should be rejected too. Under O.A.C. 4901:1-18-06(A), a utility must provide a 14-day advance notice of disconnection. Thus, a 14-day notice of disconnection that expires during the 30-day stay period should be reissued to the consumer under O.A.C. 4901:1-18-06(A). AEP Ohio’s request that it be allowed to “immediately” disconnect consumers after the 30-day stay if no payment arrangement is entered should be denied.

# III. CONCLUSION

 For the reasons explained above, the PUCO should deny AEP Ohio’s application for rehearing.

Respectfully submitted,

Maureen R. Willis (0020847)

Ohio Consumers’ Counsel

*/s/ Angela O’Brien*

Case No. 22-668-GE-UNC Angela O’Brien (0097579)

Counsel of Record

Case No. 23-856-GE-UNC Robert Eubanks (0073386)

 Counsel of Record

**Office of the Ohio Consumers’ Counsel**

65 East State Street, Suite 700

Columbus, Ohio 43215

Telephone [O’Brien]: (614) 466-9531

Telephone [Eubanks]: (614) 466-1292

 Angela.obrien@occ.ohio.gov

Robert.eubanks@occ.ohio.gov

 (Will accept service via email)

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of this Memorandum Contra AEP Ohio’s Application for Rehearing was served on the persons stated below via electronic transmission, this28th day of May 2024.

*/s/ Angela D. O’Brien*

Angela D. O’Brien

Deputy 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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| Attorney General:John.jones@ohioAGO.govAttorney Examiner:James.lynn@puco.ohio.govCase No. 22-668-GE-UNCrdove@keglerbrown.comjosephclark@nisource.comCase No. 23-856-GE-UNCmwalters@proseniors.orgmcurrie@ablelaw.orgsmoes@lascinti.orgjmackey@columbuslegalaid.orgsjagers@ohiopovertylaw.orgmwalters@proseniors.orgplee@seols.org | Both Caseskennedy@whitt-sturtevant.comandrew.j.campbell@dominionenergy.comrocco.dascenzo@duke-energy.comElyse.Akhbari@duke-energy.comlarisa.vaysman@duke-energy.comjohnryan@nisource.comchristopher.hollon@aes.commjschuler@aep.comstnourse@aep.com |

1. *In the Matter of the Commission’s Consideration of Solutions Concerning the Disconnection of Gas and Electric Service in Winter Emergencies for the 2022-2023 Winter Heating Season*, Case No. 22-668-GE-UNC, Finding and Order (July 12, 2023). [↑](#footnote-ref-1)
2. Case No. 22-668-GE-UNC, Third Entry on Rehearing (April 17, 2024). [↑](#footnote-ref-2)
3. *In the Matter of the Commission’s Consideration of Solutions Concerning the Disconnection of Gas and Electric Service in Winter Emergencies for the 2023-2024 Winter Heating Season*, Case No. 23-856-GE-UNC, Second Entry on Rehearing (April 17, 2024), at ¶ 21. [↑](#footnote-ref-3)
4. I*n The Matter of the Annual Report Required by R.C. 4933.123 Regarding Service Disconnections for Nonpayment,* Case No. 23-532-GE-UNC, Annual Report on Service Disconnections for Nonpayment for 2022-2023 by AEP, AES, Duke and FirstEnergy (June 15-30, 2023). [↑](#footnote-ref-4)
5. AEP Ohio Application for Rehearing, at 1. [↑](#footnote-ref-5)
6. Case No. 22-668-GE-UNC, Third Entry on Rehearing, at ¶ 22, Case No. 23-856-GE-UNC, Second Entry on Rehearing, at ¶ 22. [↑](#footnote-ref-6)
7. AEP Ohio Application for Rehearing, at 3. [↑](#footnote-ref-7)
8. Case No. 22-668-GE-UNC, Third Entry on Rehearing, at ¶ 22. [↑](#footnote-ref-8)
9. *Id.* at ¶ 21. [↑](#footnote-ref-9)
10. AEP Ohio Application for Rehearing, at 5. [↑](#footnote-ref-10)
11. *Id.*  [↑](#footnote-ref-11)