**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

|  |  |  |
| --- | --- | --- |
| 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 |

**JOINT PROCEDURAL MOTION FOR A PUCO DRAFT PROPOSAL AND A PUBLIC COMMENT OPPORTUNITY**

**BY**

**ADVOCATES FOR BASIC LEGAL EQUALITY, INC.,**

**OFFICE OF THE OHIO CONSUMERS’ COUNSEL**

**OHIO POVERTY LAW CENTER**

**PRO SENIORS, INC.**

The Consumer Parties[[1]](#footnote-2) move for a procedural schedule whereby the PUCO would promptly publish a draft proposal for its 2022-2023 “Winter Reconnect Order” and the public would be given a (brief) opportunity to file comments before the PUCO issues its ruling. This motion is made pursuant to O.A.C. 4901-1-12 (motions) and 4901-1-14 (procedural rulings). R.C. 4928.02(L) requires the PUCO to protect at-risk Ohioans. The PUCO has included this case on its meeting agenda for September 7, 2022.

The annual Winter Reconnect Order is intended to help at-risk Ohio families stay connected or be reconnected to electricity and natural gas service for heating in the cold Ohio winter. This relief is especially needed for the 2022-2023 winter given that Ohioans are challenged by soaring energy prices, inflation and a re-surging pandemic.

A loss of winter heating can mean terrible hardship and even loss of life for people. The reasons the PUCO should grant the Consumer Parties’ motion are further set forth in the attached memorandum in support.[[2]](#footnote-3)

Respectfully submitted,

|  |  |
| --- | --- |
| Bruce Weston (0016973)  Ohio Consumers’ Counsel  */s/ Ambrosia E. Wilson*  Ambrosia E. Wilson (0096598)  Counsel of Record  Amy Botschner O’Brien (0074423)  Assistant Consumers’ Counsel  **Office of the Ohio Consumers' Counsel**  65 East State Street, Suite 700  Columbus, Ohio 43215  Telephone [Wilson]: (614) 466-1292  Telephone [Botschner O’Brien]: (614) 466-9575  [ambrosia.wilson@occ.ohio.gov](mailto:ambrosia.wilson@occ.ohio.gov)  [amy.botschner.obrien@occ.ohio.gov](mailto:amy.botschner.obrien@occ.ohio.gov)  September 8, 2020 (willing to accept service by e-mail)  Ellis Jacobs (0017435)  **Advocates for Basic Legal Equality, Inc.**  130 West Second St., Ste. 700 East  Dayton, Ohio 45402  Direct: (937) 535-4419  [ejacobs@ablelaw.org](mailto:ejacobs@ablelaw.org)  (willing to accept service by e-mail)  (will accept service by e-mail) | */s/ Susan Jagers*  Susan Jagers (0061678)  **Ohio Poverty Law Center**  1108 City Park Ave. Suite 200  Columbus, Ohio 43206  Telephone: (614) 824-2501  [sjagers@ohiopovertylaw.org](mailto:sjagers@ohiopovertylaw.org)  (willing to accept service by e-mail) |
| */s/ Michael Walters*  Michael Walters (0068921)  Legal Helpline Managing Attorney  **Pro Seniors, Inc.**  7162 Reading Road, Suite 1150  Cincinnati, Ohio 45237  Telephone: (513) 458-5532  mwalters@proseniors.org  (willing to accept service by e-mail) |
|  |

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

|  |  |  |
| --- | --- | --- |
| 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 |

## MEMORANDUM IN SUPPORT

In this proceeding, the Public Utilities Commission of Ohio (“PUCO”) will implement its annual Winter Reconnect Order to help at-risk Ohio families stay connected or be reconnected to electricity and natural gas service for heating in the 2022-2023 cold Ohio winter. This relief is especially needed given that Ohioans are challenged by soaring energy prices, inflation and a re-surging pandemic. R.C. 4928.02(L) requires the PUCO to protect at-risk Ohioans. The PUCO has included this case on its meeting agenda for September 7, 2022.

The Consumer Parties are moving, per O.A.C. 4901-1-12 and O.A.C. 4901-1-14, for a procedural schedule whereby the PUCO would promptly publish a draft proposal for its 2022-2023 Winter Reconnect Order. And the public would be given a (brief) opportunity to file comments before the PUCO issues its ruling.

The Consumer Parties are as follows: Advocates for Basic Legal Equality, Inc. (“ABLE”), the Office of the Ohio Consumers’ Counsel (“OCC”), Ohio Poverty Law Center (“OPLC”), and Pro Seniors.[[3]](#footnote-4)

O.A.C. 4901-1-12 allows for motions such as this one. O.A.C. 4901-1-14 allows for PUCO rulings on a “procedural motion” such as this one.

The Consumer Parties’ motion will provide the PUCO Commissioners with the opportunity to benefit from publishing a draft proposal for the Winter Reconnect Order. The Commissioners could benefit from comments by stakeholders, such as the Consumer Parties (with our consumer protection experience), on the draft proposal.

The Ohio legislature contemplated that parties in PUCO proceedings could “significantly contribute to full development and equitable resolution of the factual issues,” per R.C. 4903.221(B)(4). The Consumers Parties, other consumer participants and other parties should be given that statutory opportunity to “contribute to full development and equitable resolution” of this case. That can be enabled, in part, through the PUCO inviting comments on a draft PUCO proposal for the Winter Reconnect Order, toward best serving the public interest.

Some recommendations for consumer protections that the PUCO could incorporate into its Winter Reconnect Order are:

## (1) Placing a moratorium on disconnections during the upcoming winter heating season or at least for part of it;

## (2) Delaying disconnection when a consumer is unable, after trying, to secure a timely appointment with a community action agency (whose resources may be over-stressed) for the Winter Crisis Program; Permitting Ohio consumers to use the Winter Reconnect Order *once per utility* (meaning to allow separate uses of the Order for electric and natural gas utilities) instead of the current limitation of using the Order *one time in total; and*

(3) The PUCO should require (on a monthly and annual basis), electric and natural gas utilities to publicly file the number of disconnections and reconnection by zip code.

These recommended protections will help low-income families stay safe during Ohio’s harshest weather. However, there should be the opportunity for public consideration of a PUCO draft proposal, followed by public comment, as the Consumer Parties have proposed in this Motion.

A loss of winter heating can mean terrible hardship and even loss of life for people. The PUCO should grant the Consumer Parties’ motion, in the public interest.

Respectfully submitted,

|  |  |
| --- | --- |
| Bruce Weston (0016973)  Ohio Consumers’ Counsel  */s/ Ambrosia E. Wilson*  Ambrosia E. Wilson (0096598)  Counsel of Record  Amy Botschner O’Brien (0074423)  Assistant Consumers’ Counsel  **Office of the Ohio Consumers' Counsel**  65 East State Street, Suite 700  Columbus, Ohio 43215  Telephone [Wilson]: (614) 466-1292  Telephone [Botschner O’Brien]: (614) 466-9575  [ambrosia.wilson@occ.ohio.gov](mailto:ambrosia.wilson@occ.ohio.gov)  [amy.botschner.obrien@occ.ohio.gov](mailto:amy.botschner.obrien@occ.ohio.gov)  September 8, 2020 (willing to accept service by e-mail)  Ellis Jacobs (0017435)  **Advocates for Basic Legal Equality, Inc.**  130 West Second St., Ste. 700 East  Dayton, Ohio 45402  Direct: (937) 535-4419  [ejacobs@ablelaw.org](mailto:ejacobs@ablelaw.org)  (willing to accept service by e-mail)  (will accept service by e-mail) | */s/ Susan Jagers*  Susan Jagers (0061678)  **Ohio Poverty Law Center**  1108 City Park Ave. Suite 200  Columbus, Ohio 43206  Telephone: (614) 824-2501  [sjagers@ohiopovertylaw.org](mailto:sjagers@ohiopovertylaw.org)  (willing to accept service by e-mail) |
| */s/ Michael Walters*  Michael Walters (0068921)  Legal Helpline Managing Attorney  **Pro Seniors, Inc.**  7162 Reading Road, Suite 1150  Cincinnati, Ohio 45237  Telephone: (513) 458-5532  mwalters@proseniors.org  (willing to accept service by e-mail) |
|  |

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of this Joint Motion was served on the persons stated below via electronic transmission, this 6th day of September 2022.

*/s/ Ambrosia E. Wilson*

Ambrosia E. Wilson

Assistant Consumers’ Counsel

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

**SERVICE LIST**

|  |  |
| --- | --- |
| [john.jones@ohioAGO.gov](mailto:john.jones@ohioAGO.gov)  Attorney Examiner:  [james.lynn@puco.ohio.gov](mailto:james.lynn@puco.ohio.gov) | [sjagers@ohiopovertylaw.org](mailto:sjagers@ohiopovertylaw.org)  [mwalters@proseniors.org](mailto:mwalters@proseniors.org)  [ejacobs@ablelaw.org](mailto:ejacobs@ablelaw.org) |

1. Advocates for Basic Legal Equality, Inc., Office of the Ohio Consumers’ Counsel, Ohio Poverty Law Center, and Pro Seniors, Inc. [↑](#footnote-ref-2)
2. While the Consumer Parties filed their interventions in a joint motion, each of them is appearing separately in their individual capacities. [↑](#footnote-ref-3)
3. ABLE is a non-profit regional law firm that provides high-quality legal assistance to help low-income individuals and groups in Ohio achieve self-reliance, and equal justice and economic opportunity; OCC is the statutory representative of Ohio’s approximately 4.5 million residential utility customers; OPLC works to reduce poverty and increase justice by protecting the legal rights of Ohioans living in poverty; Pro Seniors, Inc. provides education, advice, advocacy, representation and justice for seniors in Ohio through our three programs, all provided at no cost to clients. [↑](#footnote-ref-4)