**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

|  |  |  |
| --- | --- | --- |
| In the Matter of the Motion to Suspend of Columbia Gas of Ohio, Inc. for Procedures and Process During the Declared State of Emergency and Related Matters. | )))) | Case No. 20-637-GA-UNC |

**COMMENTS REGARDING THE TRANSITION PLAN OF COLUMBIA GAS**

**BY**

**THE OFFICE OF THE OHIO CONSUMERS’ COUNSEL**

# INTRODUCtion

The coronavirus pandemic has taken a toll on Ohioans, related to health issues and financial issues. There have been more than 38,800 confirmed cases of coronavirus in Ohio, over 2400 deaths, and over 1.2 million Ohioans have lost jobs and filed for unemployment during the last 11 weeks.[[1]](#footnote-2) Governor DeWine and the Ohio Department of Health have recently relaxed mandatory stay at home and social-distancing restrictions. But the financial strain that many Ohio customers are suffering as a result of the pandemic will continue for some time, including for Columbia’s million consumers in 61 Ohio counties. As utilities like Columbia seek to resume their pre-coronavirus operations, the PUCO should continue to protect consumers facing health and financial hardships.

Accordingly, one of OCC’s consumer protection proposals in this case was to maintain the ban on Columbia’s disconnections of consumers’ utility service, for an indefinite (reasonable) period of time after the end of the declared emergency.[[2]](#footnote-3) Our proposal continues to

be an imperative for consumers. Either the consumer protections should continue after the formal end of the emergency or the emergency should be continued. Columbia’s proposal to resume consumer disconnections should be rejected.

In Case No. 20-591-AU-UNC, the PUCO addressed issues related to the coronavirus state of emergency and to make sure customers have continued access to essential utility services. The PUCO directed utilities to seek approval to suspend requirements that may “impose a service continuity hardship on residential and non-residential customers” or “create unnecessary COVID-19 risks associated with social contact.”[[3]](#footnote-4) The PUCO also directed utilities to seek approval to suspend requirements that may “impose a service restoration hardship on customers or create unnecessary risk of social contact.”[[4]](#footnote-5)

On March 18, 2020, in accordance with the PUCO’s directives, Columbia filed its application (“Emergency Plan”) in this case seeking suspension of certain PUCO rules during the emergency, for consumer protection. The PUCO approved Columbia’s Emergency Plan in part on May 20, 2020.[[5]](#footnote-6)

The PUCO’s Emergency Plan Order directed Columbia to:

 …work with Staff to develop a single, comprehensive plan for the resumption of activities and operations previously prohibited by the *Emergency Case* in furtherance of a safe return to pre-COVID-19 operations. Columbia’s plan should include specifics as to the activities considered for resumption and include timelines and provisions for safety adaptations for both residential and non-residential customers impacted by the activities proposed for resumption.[[6]](#footnote-7)

The PUCO instructed interested parties to file comments within ten days of Columbia’s filing of its Transition Plan. This filing is OCC’s response, for consumer protection from Columbia’s Transition Plan that it filed on May 29, 2020.

Some aspects of the Transition Plan, such as the resumption of meter testing and the repair of service and pipeline leaks,[[7]](#footnote-8) are reasonable in light of public safety and the more relaxed social distancing restrictions. However, Columbia’s plans to resume service disconnections for non-payment beginning July 29, 2020 are premature and would harm customers who continue to suffer financially as a result of the pandemic. Columbia’s proposal to resume in-home energy efficiency programs, beginning July 13, 2020, is also premature, is not essential for consumers’ gas service, and would create an unnecessary risk of transmitting the virus to Ohioans who could suffer and/or die from it. Suspending these programs until a reasonable time after the state of emergency ends is necessary to protect the health and safety of Ohio consumers. The PUCO should issue an order on Columbia’s Transition Plan consistent with OCC’s recommendations set forth below.

# Recommendations

## For consumer protection, Columbia’s disconnections of gas service and its strict compliance with PIPP eligibility requirements should be suspended and relaxed until a reasonable period after the coronavirus emergency has ended.

The Ohio Department of Health has eased the social distancing restrictions, but the coronavirus state of emergency is far from over. Businesses are slowly beginning to reopen; some may never reopen because of the pandemic. It will take time for many consumers to recover financially.[[8]](#footnote-9)

Yet Columbia proposes to begin terminating customers’ service for nonpayment beginning on July 29, 2020, less than two months from now, even before the official end of the state emergency. And Columbia began printing disconnection notices on customer bills beginning May 29, 2020.[[9]](#footnote-10) This will cause problems for those unfortunate Columbia customers who must now prioritize how limited available dollars will be used to feed their families, purchase medications, secure shelter, or pay their Columbia bills. Columbia’s proposal is unreasonable and should be rejected.

The PUCO has not established a set time for utilities’ emergency measures to remain in place, other than to state that measures should be taken for the “duration of the emergency.”[[10]](#footnote-11) The PUCO did say in AEP’s emergency case that the issue of extending the duration of the suspension of disconnections needed to be considered, and ordered AEP to file a proposal for how long measures should stay in place.[[11]](#footnote-12) AEP has not yet filed that specific proposal, but its current proposals are already of great concern for consumers. The state of emergency has not ended; it is ongoing, and it may last for some yet to be determined time. The PUCO should suspend service disconnections for the duration of the emergency and for a reasonable time after the state of emergency officially ends. This will provide Columbia’s customers an opportunity to recover from the physical and financial damage that the coronavirus emergency has caused and continues to cause.

Columbia also proposes that customer payment obligations under the Percentage of Income Payment Plan (“PIPP”) program resume in accordance with its pre-coronavirus operations.[[12]](#footnote-13) The PUCO’s rules governing PIPP eligibility are stringent,[[13]](#footnote-14) and the PUCO correctly found in the Emergency Plan Order that during the emergency customers should not be dropped from PIPP programs for failure to comply with the PUCO’s eligibility rules.

The Commission finds that, during the emergency, or until otherwise specified by the Commission, PIPP participants and graduate PIPP participants, shall not be removed or dropped from the programs or prohibited from enrolling in the programs for not being current, for failure to comply with program requirements as of the customers anniversary date, or for failure to timely reverify eligibility.[[14]](#footnote-15)

The coronavirus state of emergency is still in effect. There is neither a cure nor an effective vaccine. Customers will continue to be struggling with unemployment and lost wages, and they may have difficulty meeting the payment obligation that allow them to keep from being disconnected. Therefore, the PUCO should deny Columbia’s proposal for customers to make payments strictly in accordance with PIPP guidelines or be shut off. Columbia’s approach is too harsh and will exacerbate people’s suffering.

## The PUCO should reject Columbia’s proposal to resume collecting late fees, reconnection fees, and arrearages prior to reconnection. Consistent with the PUCO’s directive in the Emergency Plan Order, these fees should be deferred and collected from customers at a later date.

Columbia states in its Transition Plan that, beginning July 29, 2020, “Columbia will also resume collecting late fees from customers and collecting reconnect fees and arrearages from customers prior to reconnecting service.”[[15]](#footnote-16) The PUCO should reject this proposal as well.

As part of its emergency plan, Columbia did not require a customer to pay delinquent charges in order to reconnect service.[[16]](#footnote-17) In the Emergency Plan Order, the PUCO directed Columbia to extend that policy “to customers facing disconnection or requesting reconnection during this emergency.”[[17]](#footnote-18) The PUCO further directed Columbia to advise customers that delinquent charges, deposits and fees may be deferred to a later bill.[[18]](#footnote-19) The PUCO found that this would allow customers to have “immediate bill relief” and provide Columbia the ability to enter payment plans with customers to recover delinquent charges and fees at later date.[[19]](#footnote-20)

The PUCO should require Columbia to continue this practice throughout the duration of the emergency and for a reasonable time afterwards. Payment of delinquent charges should not be a pre-condition to service reconnection or to maintaining existing service in these difficult times. Customers should be permitted to defer the payment of past due charges in accordance with the PUCO’s directive in the Columbia Emergency Plan Order, to help consumers stay connected to their vital utility services.

## The PUCO should protect consumers by rejecting Columbia’s proposal to resume its energy efficiency programs on July 13, 2020. In-home energy audits and weatherization programs are non-essential services for gas service and the programs create an unnecessary risk of spreading the coronavirus to customers who could then suffer and/or die.

Columbia’s Transition Plan proposes to resume its energy efficiency programs on July 13, 2020, including in-home energy efficiency audits and weatherization programs.[[20]](#footnote-21) Columbia’s proposal is premature and presents an unnecessary risk to customers’ health. The PUCO should reject Columbia’s proposal.

On March 20, 2020, the PUCO issued an Entry in Case No. 20-591-AU-UNC directing utilities “to suspend, for the duration of the emergency, any non-essential functions that would require or cause in-person contact that may create unnecessary COVID-19 spread risks, unless otherwise directed by the Commission.” [[21]](#footnote-22) According to the PUCO, “non-essential functions include, but are not limited to, in-home energy efficiency audits, weatherization programs, in premises inspections not prompted by an identified safety-related concern, and other similar initiatives.”[[22]](#footnote-23)

Columbia’s plan is premature. Columbia’s in-home energy efficiency audits and weatherization programs require social contact with customers in their homes and could create an unnecessary risk of spreading the coronavirus. Further, while the PUCO found in the Emergency Plan Order that non-essential functions could continue “to remedy a safety-related concern,”[[23]](#footnote-24) energy efficiency audits and weatherization programs are not necessary to the provision of safe utility service. Indeed, they are not necessary to the provision of essential utility services at all. Accordingly, there is no legitimate reason (and Columbia cites no reason in the Transition Plan) for Columbia to resume these non-essential functions before the actual emergency is over (and the actual emergency for consumers may extend long after the formal emergency is ended).

Columbia claims in its Transition Plan that resuming its energy efficiency programs is “pursuant to paragraph 20 of the [Emergency Plan Order].”[[24]](#footnote-25) But nothing in that paragraph, or elsewhere in the Emergency Plan Order, supports Columbia’s premature proposal to resume its energy efficiency programs.

In short, work on (and charges for) non-essential utility services should be suspended until the actual emergency for consumers ends or the PUCO later determines otherwise. This is particularly true where, as here, the energy efficiency programs involve unnecessary social contact at consumer residences that will increase the risk of spreading the coronavirus.

# CONCLUSION

The coronavirus continues to be a danger to the health and financial well-being of Ohio consumers, and will continue to threaten Ohioans’ health and finances for a long time. The PUCO should not permit utilities to rush a return to pre-coronavirus operations. For the health and economic security of Columbia’s million customers in 61Ohio counties, the PUCO should issue an order regarding Columbia’s proposed Transition Plan consistent with OCC’s recommendations.

Moreover, we have elsewhere (in Case No. 19-1940-GA-RDR) sought to repurpose low-income weatherization funds to help tens of thousands of Columbia’s consumers with bill payment assistance. That repurposed assistance and more are needed by many Columbia consumers, and should be ordered as part of the state response to giving Ohioans the help they dearly need from their government now.

Respectfully submitted,

Bruce Weston (0016973)

Ohio Consumers’ Counsel

*/s/ Angela D. O’Brien*

Angela D. O’Brien (0097579)

Counsel of Record

Amy Botschner O’Brien (0074423)

Assistant Consumers’ Counsel

**Office of the Ohio Consumers’ Counsel**

65 East State Street, 7th Floor

Columbus, Ohio 43215-4213

Telephone [O’Brien]: (614) 466-9531

Telephone [Botschner O’Brien]: (614) 466-9575

angela.obrien@occ.ohio.gov

amy.botschner.obrien@occ.ohio.gov

(willing to accept service by e-mail)

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of these Comments have been served via electronic transmission upon the following parties of record this 8th day of June 2020.

 */s/ Angela D. O’Brien*

 Angela D. 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:

**SERVICE LIST**

|  |  |
| --- | --- |
| john.jones@ohioattorneygeneral.govAttorney Examiner:Greta.see@puco.ohio.gov | josephclark@nisource.comrdove@keglerbrown.com |

1. <https://www.10tv.com/article/more-12-million-ohioans-have-filed-unemployment-claims-last-11-weeks-2020-jun>. [↑](#footnote-ref-2)
2. *See* OCC’s Comments for Additional Consumer Protections Regarding the Temporary Plan of Columbia Gas to Address the Coronavirus Emergency (May 8, 2020) (“OCC Emergency Plan Comments”), at 5-6. [↑](#footnote-ref-3)
3. *See* Case No. 20-591-AU-UNC, March 12, 2020 Entry, at ¶7. [↑](#footnote-ref-4)
4. *See* March 13, 2020 Entry at ¶ 6(a)*.* [↑](#footnote-ref-5)
5. Finding and Order (May 20, 2020) (“Columbia Emergency Plan Order”). [↑](#footnote-ref-6)
6. Columbia Emergency Plan Order, ¶ 54. [↑](#footnote-ref-7)
7. Transition Plan, at 2. [↑](#footnote-ref-8)
8. *See* OCC Emergency Plan Comments, at 2. [↑](#footnote-ref-9)
9. Transition Plan at 3. [↑](#footnote-ref-10)
10. *See* Case No. 20-591-AU-UNC, March 12, 2020 Entry, at ¶7. [↑](#footnote-ref-11)
11. *See 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 *et al.*, Finding and Order (May 6, 2020) (“AEP Ohio Emergency Plan Order”), at ¶25. [↑](#footnote-ref-12)
12. Transition Plan, at 2. [↑](#footnote-ref-13)
13. *See* Ohio Adm. Code 4901:1-18-12(C) and (D), 4901:1-18-16(D), 4901:1-18-17(A) and (B). [↑](#footnote-ref-14)
14. Columbia Emergency Plan Order, ¶ 34. [↑](#footnote-ref-15)
15. Transition Plan, at 3. [↑](#footnote-ref-16)
16. *See* Columbia Emergency Plan Order, ¶34. [↑](#footnote-ref-17)
17. *Id.* [↑](#footnote-ref-18)
18. *Id.* [↑](#footnote-ref-19)
19. *Id.* [↑](#footnote-ref-20)
20. Transition Plan, at 4. [↑](#footnote-ref-21)
21. Case No. 20-591-AU-UNC, March 20, 2020 Entry, at ¶10. [↑](#footnote-ref-22)
22. *Id.* [↑](#footnote-ref-23)
23. *See* Columbia Emergency Plan Order, ¶50. [↑](#footnote-ref-24)
24. Transition Plan, at 4. [↑](#footnote-ref-25)