BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

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| In the Matter of the Review of the Standards for Waterworks Companies and Sewage Disposal System Companies in Ohio Adm. Code Chapter 4901:1-15. | )  )  )  ) | Case No. 22-771-WS-ORD |

**CONSUMER PROTECTION COMMENTS ON THE STANDARDS FOR WATERWORKS AND SEWAGE DISPOSAL SYSTEM COMPANIES**

**BY**

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November 9, 2022 (willing to accept service by e-mail)

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**CONSUMER PROTECTION COMMENTS ON THE STANDARDS FOR WATERWORKS AND SEWAGE DISPOSAL SYSTEM COMPANIES**

**BY**

**OFFICE OF THE OHIO CONSUMERS’ COUNSEL**

# I. INTRODUCTION

There is never a good time to compromise on consumer protections, but especially during a time of soaring energy prices, inflation, and a potential recession as consumers are presently facing. The waterworks and sewage disposal system utilities’ rules serve the important purpose of promoting, for millions of Ohio consumers, the availability of adequate, reliable, and reasonably priced water and wastewater services to consumers.[[1]](#footnote-2) The Public Utilities Commission of Ohio (“PUCO”) has invited comments and reply comments on its Staff’s proposed changes to these standards in the Ohio Administrative Code.[[2]](#footnote-3) The Office of the Ohio Consumers’ Counsel (“OCC”) appreciates this opportunity to provide recommendations for improving the quality of service for water and wastewater customers in Ohio. The PUCO should adopt OCC’s recommendations.

# II. RECOMMENDATIONS

## O.A.C. 4901:1-15-02(E): To maximize consumer protection, the PUCO should reject the PUCO Staff’s proposal to delete the existing rule providing that waterworks and sewage disposal system utilities must provide adequate service and facilities and meet its duties or responsibilities as prescribed by these rules or by the law of the State of Ohio.

The PUCO Staff proposes to delete existing Rule 4901:1-15-02(E). It provides that the rules in O.A.C Chapter 4901:1-15 do not relieve waterworks and/or sewage disposal system companies from providing adequate service and facilities as prescribed by the commission and complying with the laws of this state. For consumer protection, OCC recommends that the PUCO reject the Staff’s proposed deletion and keep Rule 4901:1-15-02(E) as it is currently written.

It is axiomatic that water and wastewater gas utilities should be required to provide adequate service and facilities as directed by the PUCO and comply with Ohio law. Ohio consumers depend on the water and wastewater companies to provide adequate service essential for health and safety, drinking, cooking, cleanliness, laundry, sanitation and many other uses. Further, consumers have a right to expect that the water and wastewater facilities that deliver the services are safe and reliable and that the utilities delivering the water and wastewater services are complying with all applicable Ohio laws. Existing Rule 4901:1-15-02(E) should not be deleted.

This important safeguard should not be lost, and that is why the rule should stand is it currently exists. The PUCO should continue to provide recommendations on adequate service and facilities to the water and wastewater utilities and ensure that the utilities are meeting its duties as prescribed by rules and or statutes. Deleting this paragraph is harmful to consumers. Therefore, OCC recommends that O.A.C. 4901:1-15-02(E) should not be eliminated and that the rule should be maintained as it is currently written, which is:

(E) Nothing contained in this chapter shall relieve any waterworks company and/or sewage disposal system company from either of the following:

(1) Providing adequate service and facilities as prescribed by the commission.

(2) Meeting any of its duties or responsibilities as prescribed by these rules or by the laws of the state of Ohio.

## O.A.C. 4901:1-15-04(D): To maintain consumer protection, the PUCO should reject the PUCO Staff’s proposal to delete part of the existing rule that provides that waterworks and wastewater utilities need not provide notice and hearing when the utilities’ abandon service.

The PUCO should not adopt the PUCO Staff’s recommendation to delete Rule 4901:1-15-04(D). Staff’s deletion removes the rule for water and wastewater utilities to notify its customers and conduct a hearing when the utility files an application to abandon service. Water and wastewater consumers should be provided this notice as a basic consumer protection.

Residential consumers rely on water as a vital resource for drinking, cooking, health, and cleanliness. A notice of abandonment would provide consumers time to seek other water and/or wastewater alternatives. Without a notice, a consumer would lose time to obtain another water and/or wastewater resource, which could potentially cause the consumer to go without these services.

It is also important for consumers to have the opportunity to make their voices heard at a public hearing, especially when there is a threat of losing water and/or wastewater service.

Consumers should not be at risk for losing this important rule to protect water and wastewater service. OCC thus recommends that the PUCO not accept the deletion and retain the language in O.A.C. 4901:1-15-04(D), which reads:

(D) In cases involving an application for abandonment of water service and/or sewage disposal system service, notice and the conduct of a hearing shall be as provided for in paragraph (C) of this rule, except that notice shall be by newspaper publication which shall occur once a week for four consecutive weeks in a newspaper of general circulation in any county or municipal corporation which has granted a franchise to the applicant utility company.

## O.A.C. 4901:1-15-09: For consumer protection, the PUCO should reject the Staff’s proposal to delete part (D) of the existing rule that provides that a transferee of a certificate of public convenience and necessity must file new tariffs.

OCC opposes PUCO Staff’s deletion of language in O.A.C. 4901:1-15-09 that would eliminate a transferee’s obligation to file new tariff documents through a PUCO-approved entry or order. The transferee’s obligation to file the new transferred tariff documents in response to PUCO entry or order allows parties to review tariff charges ordered by the PUCO. It provides the PUCO Staff, along with intervening parties, an opportunity to review the new tariffs for possible errors or inaccurate rates. To protect consumers, OCC recommends keeping the language in 4901:1-15-09, which reads:

(D) The transferee will be required by an entry or order issued by the commission approving the transfer to file, in its name, new tariff documents which show the same rates, charges, and rules and regulations as those shown in the tariff documents currently filed with the commission by the transferor, except for the changes ordered by the commission.

## O.A.C. 4901:1-15-10: For consumer health and protection, the PUCO should require waterworks utilities to flush water mains due to water quality issues.

For consumer health and protection, OCC proposes additional language to be included in 4901:1-15-10(B)(4) that would require waterworks companies to flush water mains due to water quality issues, when necessary (and not just annually). According to the U.S. EPA, “Flushing can be an important maintenance technique to remove stagnant water, restore disinfectant residual, remove deposits, and scour pipe surfaces.[[3]](#footnote-4)” Since flushing a water main can improve water quality issues, there is no reason to not flush the main as one method to improve water quality to the impacted consumers. Water is the only utility that is consumed. Consumers should expect to be delivered safe, clean, drinkable water and flushing is an easy way to meet that expectation.

Specifically, when the waterworks utility or the PUCO receives complaints regarding water quality in an identified service area, the waterworks utility should be required to flush the water main as a method to resolve water quality issues, even if it occurs between annual flushing requirements. Accordingly, the OCC recommends that the PUCO amend O.A.C. 4901:1-15-10 as follows:

(B) Maintenance of plant and equipment:

…(4) Each waterworks company shall flush each of its mains at least annually, or in the case of dead-end mains, at least annually**, or more frequently when necessary to resolve water quality complaints that are reported to the waterworks company or the commission**.

## O.A.C. 4901:1-15-11(C): For consumer protection, the PUCO should require that water and wastewater utilities call the consumer in advance and provide an authorized agent name if access to the residence is needed.

To protect consumers, OCC proposes additional language in 4901:1-15-11(C) that would require waterworks and wastewater utilities to call the customer if non-emergency access to the premise is needed. A phone call to the consumer prior to the in-home premise visit would provide an extra level of protection to the consumer. In addition, when a water or wastewater authorized agent is seeking access to the premise, it is important for the consumer to know, at minimum, the agent’s name. If a water or waterworks utility’s authorized agent identifies themself, the consumer will have a name to verify with the company to confirm the agent is legitimate and needs access to their home. If a problem would arise while the agent has access to the home, the consumer would have the name of the person who gained access to their property.

Unfortunately, there are utility imposters who use the trusted name of the local utility to gain access to the home. Scammers prey on the public by knocking on the door claiming to be with the local utility company, which could include posing as the local waterworks and/or wastewater company. These utility imposters can have uniforms and other credentials to make it appear they are employed by the utility, which the public then believes they can be trusted.[[4]](#footnote-5) But this is not always the case.

In February 2022, WAND-TV reported imposters trying to gain access to a consumer’s homes by claiming to be with Illinois American Water.[[5]](#footnote-6) Criminals who knock on the door could try to obtain personal and financial information, gain entry to the home, or cause harm to the homeowner. Requiring a phone call in advance and an authorized agent name is a simple measure to protect consumers. The utility’s phone call in advance of premise entry provides an extra level of consumer protection when the waterworks and/or sewage disposal systems company arrives at the door. Accordingly, the OCC recommends that the PUCO amend O.A.C. 4901:1-15-11(C) as follows:

(C) **If premise access is deemed to necessary prior to arrival, the waterworks company should call the customer 24 hours in advance to notify the customer of the need for access to the home, provide the name of the authorized agent, and the work that will be conducted.** Any employee or agent of a company seeking access to the dwelling or structure of a customer shall voluntarily identify himself or herself, provide proper company photo identification, and state the reason for the visit. The employee or agent shall, in all cases, direct himself or herself to a person holding himself or herself as being responsible for the dwelling or structure. Entrance will not be sought or gained by subterfuge or force.

## O.A.C. 4901:1-15-14(H): For consumer protection, the PUCO should require that waterworks utilities maintain and provide to the PUCO and to OCC operating reports on a quarterly basis showing disconnection of consumer service data.

To protect consumers, waterworks utilities should be required to publicly file, on a quarterly basis, monthly statistics and related data showing its disconnection of consumers’ water service. Utility disconnection statistics are one of the key reference points across the country for gauging the jeopardy to people’s life and health. And the statistics are key for gauging the appropriate protective response by their state government, public utilities and others. O.A.C. 4901:1-15-14 requires water utilities to maintain quarterly operating reports showing “customer service information.” The customer service information should include publicly filed disconnection data.

Waterworks utilities’ disconnections statistics are important for the PUCO and OCC to know. But this information is also important to others who do not have access to the statistics through regulatory protocols. Those others can include social welfare agencies, charitable organizations, public policymakers, and the utility’s own consumers. The information should be in the public domain, for transparency in the regulatory process of Ohioan’s state government (the PUCO). That PUCO transparency can enable consumer protection action, based on the data.

Waterworks utilities should quarterly file the reports with its monthly statistics for disconnections of consumers. That frequency will serve the public interest in promptly identifying any disconnection trends that are especially concerning for consumers. And allow community action agencies to take measures to help those areas that are hit hardest.

Gas and electric utilities are required by law[[6]](#footnote-7) to provide this type of public information. Good public policy dictates that the PUCO also require water utilities to collect consumers’ service disconnection information and publicly file it.

Reporting requirements for disconnecting consumers have not been required by law or rule for water utilities. *That should now be remedied by the PUCO in this proceeding.*

Records on “customer service information”[[7]](#footnote-8) and “records… setting forth its decision to terminate service”[[8]](#footnote-9) are required under the current and proposed rules. But specific disconnection data has not been a requirement for water utilities. The PUCO should take this rulemaking opportunity to change that.

Similar to the information that gas and electric utilities publicly file[[9]](#footnote-10), the water disconnection reports should reflect the below requirements. The PUCO should add these requirements to the quarterly reporting requirement of O.A.C. 4901:1-15-14. Accepting PUCO Staff’s proposed edits, the remainder of O.A.C. 4901:1-15-14(H) should be amended as follows:

(H) Each waterworks company and/or sewage disposal company shall provide to the commission’s director of the service monitoring and enforcement department a quarterly operating report for each of its systems containing system performance information, system maintenance information, and customer service information. **The customer service information should also be provided to OCC and include monthly statistics for disconnections of consumers. The reports should show:**

1. **the total number of service disconnections for nonpayment and the total dollar amount of unpaid bills represented by such disconnections;**
2. **the total number of final notices of actual disconnection issued for service disconnections for nonpayment and the total dollar amount of unpaid bills represented by such notices;**
3. **the total number of residential customer accounts in arrears by more than sixty days and the total dollar amount of such arrearages;**
4. **the total number of security deposits received from residential consumers and the total dollar amount of such deposits;**
5. **the total number of service reconnections; and**
6. **the total number of residential customers.**

## O.A.C. 4901:1-15-16: For consumer protection, the PUCO should require that waterworks and wastewater utilities provide information in the summary of rights on water financial assistance.

To better protect consumers, OCC proposes to amend O.A.C. 4901:1-15-16(A)(2) to require waterworks and wastewater utilities to provide its customers additional information in the utility customer summary of rights that it gives to its customers. The additional summary of rights should include information on water financial assistance that would pay towards the bill, how to avoid the disconnection of service, and how to reconnect service.

At this time, the federal government is providing the Low-Income Home Water Assistance Program (LIHWAP) that is available to provide financial assistance to stop a disconnection of service or reconnect service.[[10]](#footnote-11) LIHWAP is available through September 30, 2023, with a possibility of the program being extended beyond 2023.[[11]](#footnote-12)

Water and wastewater utilities should include information on the LIHWAP program, along with information on other utility assistance programs, if applicable, prominently displayed in the utilities’ summary of rights that are mailed to all consumers. Also, the companies should include information on 2-1-1 service if available in the waterworks and/or wastewater systems territory.

“2-1-1” is an information and referral number that provides resources and services to the public.[[12]](#footnote-13) Consumers who call 2-1-1 are searching for assistance towards basic needs, which can include utilities, food, housing, and other basic needs.[[13]](#footnote-14) “2-1-1” can provide local organizations that assist towards the water bill or advise on organizations that provide financial assistance towards other basic needs, which can then free up money to pay towards the water bill.[[14]](#footnote-15)

By providing this information in the summary of rights, consumers would have information to refer to and use when facing a water or wastewater service disconnection. Amending the rule would provide the consumer information on financial assistance towards the water bill, along with the utility receiving payment towards the account that they might not have received otherwise. Accordingly, OCC recommends that the PUCO amend O.A.C. 4901:1-15-16(A)(2) as follows:

(2) A listing of the rights and obligations of customers relating to the installation of service, payment of bills, disconnection of service, reconnection of service, **information on water financial assistance**,and testing of meters and of the utility's business office and availability of customer representatives.

## O.A.C. 4901:1-15-17(D): For consumer protection, the PUCO should require that fees and charges are capped when a customer makes a payment at an authorized facility.

To protect consumers, OCC proposes amended language in 4901:1-15-17(D) to cap charges and fees when a customer makes a payment at an authorized payment facility. When a waterworks customer makes a payment by cash, check, or money order at an authorized agent, any additional fees should not exceed the cost of two postage stamps, which currently would be $1.20. A consumer should not be burdened by paying an unknown “reasonable” fee when a reasonable fee is subjective and is not stated in the rules.

Accordingly, the OCC recommends that the PUCO amend O.A.C.4901:1-15-17(D) as follows:

(D) An authorized agent is any individual or business designated by the waterworks company and/or sewage disposal system company to act as its representative in the conduct of its business, including the collection of monies and the issuance of receipts for payments of bills. When a customer pays a bill at the waterworks company and/or sewage disposal system company business office or to an authorized agent, that payment, including any partial payment, shall be credited to the customer's account as of the date it was received by the waterworks company and/or sewage disposal system company or an authorized agent.

Any charge or fee added to a customer's bill by an authorized agent **must not exceed the cost of two postage stamps when payment is made by cash, check, or money order at an authorized agent** ~~must be reasonable~~. Each waterworks company and/or sewage disposal system company shall maintain records of such charges or fees for two years and make the records available to the commission upon request.

## O.A.C. 4901:1-15-19(B)(3): For consumer protection, the PUCO should require that the rules allow for one free meter test every 12 months and remove language that allows the waterworks utility to test only with justification.

To protect consumers, OCC proposes amending 4901:1-15-19(B)(3) to allow one free meter test every 12-months, per the customer’s request, along with removing the language that allows the waterworks company to request reasonable justification to test the meter.

Meter tests are an important method to determine if a meter is registering accurately. A meter that malfunctions could result in a consumer being billed too much or little for service. The consumer should not have to wait three years (as the rule currently reads) to receive a free meter test. The consumer should be permitted to request a free meter test once a year.

In addition, it is unreasonable for the utility to require justification to have the meter tested. The company should not have the ability to deny a once-a-year free meter test to a consumer. Accordingly, OCC recommends that the PUCO amend O.A.C. 4901:1-15-17(B)(3) as follows:

(B) Inspecting and testing

(3) Each company shall perform either an on-site or bench meter test once every **12 months** ~~three years~~ without charge, if requested by the customer. The meter test shall be performed within thirty days from the request. ~~The company may request a reasonable justification for a meter test.~~ Results of an on-site meter test shall be provided to the customer at the time of the test. Should the on-site meter test indicate primary meter inaccuracy, the primary meter shall be removed and bench tested in accordance with the accuracy standards set forth in paragraph (B)(1) of this rule. If an on-site meter test is conducted or, if the primary meter is removed for off-site testing, the company shall provide the customer the test results and any associated billing adjustments in writing. If the primary meter fails to meet the accuracy standards, the company shall, within thirty days, perform any necessary billing adjustments. ~~Additional customer requested meter tests within a three-year period shall be at the expense of the customer if the meter is found to be accurate.~~

## O.A.C. 4901:1-15-23: For consumer protection, an additional bill format in large print and braille should be provided upon customer request.

To better protect consumers, the PUCO should explore the feasibility of waterworks and wastewater companies offering bills in large print and Braille. Consumers should be aware the format exists and have the opportunity to request a bill in large print or Braille from the waterworks and/or wastewater company.

## O.A.C. 4901:1-15-24(E): For consumer protection, the PUCO should cap the amount of time a waterworks and/or wastewater utility can back bill for unmetered service due to metering inaccuracy.

For consumer protection, OCC recommends that the PUCO amend 4901:1-15-24(E) to mirror the language in R.C. 4933.28. R.C. 4933.28 caps the amount of time a gas, natural gas, or electric company can back bill for unmetered service due to metering inaccuracy.[[15]](#footnote-16) According to Ohio law, gas, natural gas, and electric companies can back bill for unmetered usage in the three hundred sixty-five (365) days immediately prior to the date the gas and electric company corrects the meter inaccuracy.[[16]](#footnote-17) This provision should apply by rule to water and wastewater utilities.

Water and wastewater consumers should have the same protections as gas, natural gas, and electric consumers. If a consumer was undercharged due to a metering inaccuracy, the waterworks and/or sewage disposal systems company should only be allowed to bill unmetered usage up to three hundred sixty-five (365) days. The rule would prevent waterworks companies from back billing a customer for unmetered service that occurred a year or more ago.

If a waterworks and/or wastewater utility fails to read a residential consumer’s meter for any twelve-month billing period, the consumer should be charged the appropriate rates that were in effect at the time the water was used. Also, the waterworks and/or wastewater utility should not be permitted to collect fees, interest charges, or service fees associated with an undercharge. Accordingly, OCC recommends that the PUCO amend O.A.C. 4901:1-15-24(E) as follows, which makes the rule consistent with Ohio law applicable to natural gas and electric utilities:

(E) The company shall allow a customer up to the same period of time for which the customer was previously undercharged to pay any additional charges found proper due to inaccurate meters or incorrect bill calculation **up to three hundred sixty-five days** unless the inaccuracy is caused by the customer. **The company may only bill the customer for the amount of unmetered water in the three hundred sixty-five days immediately prior to the date the company remedies the meter inaccuracy.**

1. **All monthly estimated usage must be charged the appropriate rates that were in effect at the time of usage.**
2. **The company is prohibited from collecting interest, fees, or service charges on collecting on undercharges due to metering inaccuracy.**

## O.A.C. 4901:1-15-26(B): For consumer protection, the PUCO should reject rule language that does not allow for PUCO approval of late payment percentages or charges in the tariff.

OCC opposes PUCO Staff’s deletion of language in O.A.C. 4901:1-15-26(B) that would not require waterworks or sewage disposal systems to provide late payment balance percentages or charges in the tariff as approved by the PUCO. Under the deletion, the PUCO would no longer need to approve late payment charges. But late payment percentages and charges that are approved by the PUCO should be included in the tariff for consumer protection to guard against an excessive percentage or fee amount.

Late payment fees add charges to a consumer’s account who is already struggling to pay the monthly waterworks or wastewater systems monthly bill and puts the consumer further behind. According to U.S. News and World Report, “Late fees typically punish customers who are least able to afford their utility bill to begin with.”[[17]](#footnote-18) Since late payment fees hurt consumers who are having trouble paying their waterworks or sewage disposal systems bill, the PUCO should only approve late payment tariff percentages or charges that represent a fair amount to the consumer. And only the PUCO (not the utility) should approve a late fee or percentage charge, which should be clear from the tariff. The amount and percentage of any late payment charge should not be left to the whim of the utility, and undisclosed in the tariff, as the Staff’s deletion of the language would allow. For consumer protection, OCC proposes keeping the current language in 4901:1-15-26(B), which reads:

(B) The amount or percentage and terms of any late payment charge shall be set forth in the company's tariff(s) as approved by the commission.

## O.A.C. 4901:1-15-27: To better protect consumers from disconnections, the PUCO should enhance the minimum consumer protection standards of this section by requiring an additional disconnection notice and utilities should provide information on payment assistance programs.

O.A.C. 4901:1-15-27 establishes the minimum consumer protection standards associated with disconnections for non-payment and procedures to be followed by water and wastewater providers in Ohio. The minimum consumer protection standards should be beefed up. Water is an essential that households rely on for heath, hygiene, drinking, and cooking. OCC proposes adding language to 4901:1-15-27 that would provide a second disconnection notice, which proceeds the 14-day disconnection notice. OCC also proposes requiring information on federal, state, and waterworks assistance programs on all disconnection notices when program(s) are available, along with how to apply for these program(s).

To keep consumers from having their water or sewage disposal disconnected, the company should be required to provide a second disconnection notice 72 business hours before the scheduled service disconnection. Waterworks and sewage disposal systems would provide the second disconnection via U.S. Mail, personal delivered letter, or email. If the notice was being sent via U.S. Mail, the notice should not be sent later than 7 business days before the disconnection of service.

The disconnection notices should provide options on how to keep water and sewer services connected, along with water financial assistance programs that can prevent a service disconnection. In 2021, the National Energy and Utility Affordability Coalition reported 16.83% of eligible households applied for the Home Energy Assistance Program (HEAP).[[18]](#footnote-19) The low percentage of Ohioans who applied for HEAP demonstrate why is it important to educate waterworks consumers on the water assistance that is available to avoid a service disconnection. The information can be helpful to consumers who are not aware of financial assistance and can prevent water and sewer services from being disconnected. There is no downside to the utility to add this information on a disconnection notice. And the information can be vitally important to consumers.

Also, if a consumer secures an appointment for water assistance through a federal water assistance program or utility sponsored program after the scheduled disconnection date, the waterworks and sewage disposal systems company should suspend the disconnection five (5) days after the appointment date to provide time for the consumer to receive financial assistance. The community action agency or social service organization would notify the waterworks and sewage disposal systems companies of consumers who have an appointment to obtain water assistance. Since a Community Action Agency schedules appointments up to two weeks out, a consumer could have an appointment after the disconnection date. If a consumer has obtained an appointment for water assistance after disconnection date, they should not be penalized by having the service disconnected. By holding the disconnection date until five days after the consumer’s appointment, the consumer avoids a service disconnection, along with avoiding the waterworks and sewage disposal system company from dispatching an employee to disconnect and eventually reconnect the service. To accomplish these proposals, OCC recommends the following language added to O.A.C. 4901:1-15-27:

(B)(3) The customer must be given not less than fourteen days written notice before service is disconnected, **along with a second disconnection notice 72 business hours prior to the disconnection of service through the U.S. Mail personal delivered notice, or email** when any of the following conditions exist:

(C) Service may not be refused or disconnected to any customer or refused to any applicant for service for any of the following reasons:

(1) Failure to pay for service furnished to a customer(s) formerly receiving service at the premises unless the former customer(s) continues to reside at the premises.

(2) Failure to pay for a class of service different from the service provided for the account in question.

(3) Failure to pay any amount which, according to established payment dispute and resolution procedures, is in bona fide dispute.

(4) Failure to pay any charge not specified in the company's tariff

**(5) When the waterworks and sewage disposal companies are notified of a pending consumer appointment for federal or company assistance after the disconnection date. The waterworks and sewage disposal companies will suspend the disconnection five (5) days after the appointment date.**

(D) A notice of disconnection shall clearly state all of the following:

(1) The earliest date when disconnection could occur.

(2) The reason(s) for disconnection.

(3) The action the customer must take in order to avoid the disconnection.

(4) The total amount required to be paid, which shall not be greater than the past due balance.

(5) The address and local or toll-free telephone number of the office of the waterworks company and/or sewage disposal system company that the customer may contact in reference to his or her account.

(6) The current address and local or toll-free telephone number of the commission's call center and a statement that commission staff is available to render assistance with unresolved complaints, as well as the contact information for the Ohio consumers' counsel and a statement that it is available to render assistance with unresolved complaints of residential customers.

(7) A statement that failure to pay the amount required by the date specified on the notice may result in an additional charge for reconnection.

(8) As applicable, a statement that there is a dishonored payment balance on the account and that the company may deny the customer's use of medical certificates if that balance is not paid.

**(9) A statement of available assistance programs that provides financial assistance and/or prevent a service disconnection, along with how to access and apply for these programs.**

## O.A.C. 4901:1-15-28: For consumer protection, water and wastewater service should be reconnected promptly once payment is made necessary to satisfy the amount of the disconnection obligation and consumers should have the same defined payment plans offered to them as they have with electric and natural gas utilities.

To protect consumers, OCC proposes amending O.A.C. 4901-15-28 regarding the reconnection of water or sewer service once a payment is made to satisfy the amount of the disconnection notice. If a consumer makes a payment after 12:30 p.m. on a day that precedes a weekend or holiday, the waterworks and wastewater companies should make every effort to reconnect the service. When possible, consumers should not have to wait to be reconnected when the preceding day is a holiday or weekend. Once a payment is made the consumer is considered current on their bill and every effort should be made to return service to their home.

Waterworks and sewage disposal systems companies should offer defined payment plans when the company and the consumer cannot reach an agreed upon payment plan. Consumers of waterworks and sewage disposal systems companies should have the same payment plans options that are available to regulated electric and natural gas companies set forth in O.A.C. 4901:1-18-05(B). To avoid the disconnection of service, consumers should have the opportunity to secure a 1/6 or 1/9 payment plan as defined in O.A.C. 4901:1-18-05(B). These payment plans would help consumers spread out unpaid balances over a period of time, along with avoiding a service disconnection. OCC recommends the following amended language in O.A.C. 4901:1-15-28:

(A) A waterworks company and/or sewage disposal system company shall reconnect previously disconnected service, unless prevented by circumstances beyond the company's control, or unless a customer requests otherwise, by the close of the following regular company business day after any of the following:

(1) Receipt by the company of the full amount of arrears for which service was disconnected, including any required deposit or reconnection charge.

(2) The elimination of conditions that warranted disconnection of service.

(3) Agreement by the company and the customer on a deferred payment plan and a payment, if required under the plan.

**(a) If an agreement on a deferred payment cannot be made, the company must offer the following payment plans:**

**(1) One-sixth plan - A plan that requires six equal monthly payments on the past due balances in addition to full payment of the current bill.**

**(2) One-ninth plan - A plan that requires nine equal monthly payments on the past due balances in addition to a budget payment plan for the projected monthly bills, which will end nine months from the initial payment. The budget portion of the payments may be adjusted periodically during the nine-month period as needed.**

(B) If service is discontinued and the customer wishes to guarantee the reinstatement of service the same day on which payment is rendered, both of the following conditions apply:

(1) If reinstatement of service is requested the same day, the customer must notify the company no later than twelve thirty p.m., and the customer must make payment in the company's business office or provide proof of payment. **If payment is made after 12:30 p.m. on a day that precedes a holiday or weekend, the waterworks or sewage disposal company should make every effort to reconnect service on the same day.**

# III. CONCLUSION

OCC recommends that the PUCO enhance the waterworks and sewage disposal system companies rules as advocated by OCC in these Comments to protect consumers. The PUCO should not be eroding consumer protection as advocated by the rule deletions proposed by PUCO Staff. Consumer protection from monopoly utility service providers should not be sacrificed in pursuit of efficiency or streamlining. Rules should be enhanced to protect consumers. Therefore, the PUCO should adopt the OCC consumer protection recommendations contained herein.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of these Comments was served on the persons stated below via electronic transmission this 9th day of November 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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