BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

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| In the Matter of the Review of the Minimum Gas Service Standards in Ohio Adm. Code Chapter 4901:1-13. | )  )  ) | Case No. 22-809-GA-ORD |

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**REPLY COMMENTS ON THE MINIMUM STANDARDS FOR CONSUMERS’ NATURAL GAS SERVICE**

**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 minimum gas service standards serve the important purpose of promoting, for millions of Ohio natural gas consumers, the availability of adequate, reliable, and reasonably priced natural gas 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 reply comments for improving the quality of service for natural gas consumers in Ohio. The PUCO should adopt OCC’s recommendations made in its initial comments and these reply comments.

# II. RECOMMENDATIONS

1. In consumers’ interest, the PUCO Staff’s proposed modification to O.A.C. 4901:1-13-04 should be rejected.

O.A.C. 4901:1-13-04 provides natural gas metering rules that focus on meter access, meter test, and meter reading requirements.[[3]](#footnote-4) OCC objects to the PUCO Staff’s proposed rule changes in O.A.C. 4901:1-13-04. The proposed rule changes weaken consumer protections that are needed for the public.[[4]](#footnote-5)O.A.C. 4901:1-13-04(F)(1) outlines the information that must be provided in a meter test record.[[5]](#footnote-6) The PUCO Staff proposes to modify the rule to remove specific meter test reporting subsections.[[6]](#footnote-7)

Dominion Energy Ohio recommends keeping the current language in O.A.C 4901:1-13-04(F)(1).[[7]](#footnote-8) Dominion explains how the PUCO Staff’s proposed language brings less clarity about what information needs to be provided in a meter test record.[[8]](#footnote-9) According to Dominion, “The removal of these provisions actually increase the regulatory restriction, contrary to the intent of R.C. 121.951, by broadening the potential scope of record-keeping from a limited and specific set of records, to ‘all’ possible records.”[[9]](#footnote-10)

Along with maintaining clarity, keeping the current meter test record requirements protect residential consumers who have their meter tested by the natural gas company, whether it is part of the two-year requirement or for the life of the meter.[[10]](#footnote-11) The meter test information can be helpful to the consumer and the PUCO if a complaint is filed against the utility should the accuracy of a meter be at issue.

For the reasons described in our comments, and in agreement with Dominion, OCC opposes the PUCO Staff’s proposed changes to O.A.C 4901:1-13-04(F)(1).[[11]](#footnote-12) And for the reasons described in its comments, OCC opposes the PUCO Staff’s proposed modifications to 4901-13-04 (B), (C), (D), (D)(2), (D)(4), (F)(2), (G)(1), (G)(1)(a), (G)(1)(b), (G)(1)(c), and (G)(2).[[12]](#footnote-13)

1. **In consumers’ interest, the PUCO’s proposed modifications to O.A.C. 4901:1-13-05(A)(1) and (2) should be rejected.**

O.A.C. 4901:1:13-05(A)(1) and (2) discusses service installation requirements. The PUCO Staff proposes removing language from the rule that states “and all necessary tariff and regulatory requirements have been met.”[[13]](#footnote-14)

In their comments, both Columbia and Dominion object to the PUCO Staff’s proposal.[[14]](#footnote-15) Columbia says, “the presence of this language in the Administrative Code provides Columbia with protection from presumptive violations of the deadlines prescribed by these provisions in instances when the installation of a service line would violate a provision of a company’s tariff.”[[15]](#footnote-16) Dominion also opposes the modification saying, “the rule would reduce clarity and could impose additional costs and confusion on the new-service process.”[[16]](#footnote-17)

OCC agrees with Columbia and Dominion about keeping the current language in O.A.C. 4901:1-13-05(A)(1) and (2). When a natural gas company is installing service, it is important for the gas and natural gas companies to meet all tariff and regulatory requirements. The tariff and regulatory requirements provide consumer protections during the service installation process, along with providing safety protocol. If the company does not follow the regulatory requirements to install natural gas, it could put the consumer and company employee at risk.

1. **To protect consumers, Columbia’s proposed modification to O.A.C 4901:1-13-05(D) should be rejected.**

Columbia has proposed to modify the amount of time to complete service line repairs in O.A.C. 4901:1-13-05(D).[[17]](#footnote-18) Columbia proposes changing the language in the rule to allow a natural gas company to complete the repair within 72 hours due to situations where utility lines need to be marked before the repair can be completed.[[18]](#footnote-19) The rule currently requires repairing a natural gas leak by the end of the next day.[[19]](#footnote-20)

Utility lines may need to be marked before a natural gas company begins repair work. But changing the rule as Columbia proposes could cause natural gas companies to take more time to repair a service line where their utility lines do not need marked. This could put consumers in dangerous situations if their gas line is shut down and repairs are not made for 72 hours. Consumers should not have to wait up to 72 hours to have service restored if utility lines do not need marked, especially during the winter months when consumers depend on natural gas to heat their home.

In response to Columbia’s proposal, OCC recommends the following revised language. It provides consumer protection while also providing extra time if the natural gas company needs to have lines marked to begin repair work to restore service:

(D) If the gas or natural gas company repairs customer service lines, the company shall complete the repair of service-line leaks that require service shutoff by the end of the next day **or** within seventy-two hours **when utility lines need marked through Ohio Utility Protection Service**, excluding Saturdays, Sundays, and legal holidays, after the service has been shut off for residential and small commercial customers, unless the company is unable to perform the repair or replacement due to lack of access or unsafe working conditions.

**D. To protect consumers, the language in O.A.C. 4901:1-13-12(D)(2) regarding social security numbers should be kept.**

O.A.C. 4901:1-13-12(D)(2) prevents the natural gas companies from disclosing a consumer’s social security number without written consent from the consumer or through a court order.[[20]](#footnote-21) The PUCO Staff has proposed removing language from O.A.C. 4901:1-13-12(D)(2) that would no longer require the natural gas company to obtain written consent from the consumer or a court order to disclose a consumer’s social security number.[[21]](#footnote-22) Consumers should have to provide permission before their social security number is used by a gas and natural gas company.[[22]](#footnote-23)

In its comments, Dominion objects to the PUCO Staff’s proposed modification, too. Dominion says that it “takes non-disclosure obligations seriously, but it does not understand why this particular exception would be removed. If a court orders a company to disclose a customer’s social security number, the company should not have to choose between complying with the court order or the Commission’s rules.”[[23]](#footnote-24)

OCC supports Dominion Energy Ohio’s objection to remove language in O.A.C. 4901:1-13-12(D)(2) that would not require the natural gas company to provide a social security number through a court order. Additionally, the PUCO Staff should have kept the full language that does not allow a gas or natural gas company to disclose a consumer’s social security number without written consent or through a court order. It is important to keep consumers’ social security numbers protected. Failing to do so can lead to identify theft.[[24]](#footnote-25) Also, a consumer should have the ability to make the decision when their social security number will be disclosed by the natural gas company.[[25]](#footnote-26)

The PUCO should keep the language in 4901:1-13-12(D)(2) and not remove these consumers protections.

# III. CONCLUSION

OCC recommends that the PUCO should be enhancing the Minimum Gas Service Standards Rules as advocated in our comments and these reply comments. The PUCO should not be eroding consumer protection as advocated by the rule deletions proposed by PUCO Staff.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of these Reply Comments were served on the persons stated below via electronic transmission this 9th day of November 2022.

*/s/ William J. Michael*

William J. Michael

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. R.C. 4929.02(A)(1). [↑](#footnote-ref-2)
2. *In re the Commission’s Review of the Minimum Gas Service Standards in Chapter 4901:1-13 of the Ohio Administrative Code*, Case No. 19-1429-GA-ORD, Entry, (December 18, 2019). [↑](#footnote-ref-3)
3. O.A.C. 4901:1-13-04. [↑](#footnote-ref-4)
4. OCC’s Initial Comments at 26. [↑](#footnote-ref-5)
5. O.A.C. 4901:1-13-04(F)(1). [↑](#footnote-ref-6)
6. PUCO Draft Amended O.A.C. 4901:1-13-04 at 5-10. [↑](#footnote-ref-7)
7. O.A.C. 4901:1-13-04(F)(1). [↑](#footnote-ref-8)
8. Dominion Energy Ohio’s Initial Comments (November 2, 2022) at 1. [↑](#footnote-ref-9)
9. *Id*. [↑](#footnote-ref-10)
10. OCC’s Initial Comments at 10-11. [↑](#footnote-ref-11)
11. *Id.* at 10-11. [↑](#footnote-ref-12)
12. *Id.* at 5-11. [↑](#footnote-ref-13)
13. PUCO Amended O.A.C. 4901:1-13-04 at 10-11. [↑](#footnote-ref-14)
14. Columbia Gas of Ohio’s Initial Comments (November 2, 2022) at 1-3; Dominion Energy Ohio’s Initial Comments (November 2, 2022) at 2. [↑](#footnote-ref-15)
15. Columbia Gas of Ohio’s Initial Comments (November 2, 2022) at 1-2. [↑](#footnote-ref-16)
16. Dominion Energy Ohio Initial Comments (November 2, 2022) at 1. [↑](#footnote-ref-17)
17. Columbia Gas of Ohio Initial Comments (November 2, 2022) at 3-4. [↑](#footnote-ref-18)
18. Columbia Gas of Ohio Initial Comments (November 2, 2022) at 4. [↑](#footnote-ref-19)
19. O.A.C. 4901:1-13-05(D). [↑](#footnote-ref-20)
20. O.A.C. 4901:1-13-12(D)(2). [↑](#footnote-ref-21)
21. PUCO Amended O.A.C. 4901:1-13-04 at 36. [↑](#footnote-ref-22)
22. OCC Initial Comments (November 2, 2022) at 21. [↑](#footnote-ref-23)
23. Dominion Energy Ohio’s Initial Comments (November 2, 2022) at 4. [↑](#footnote-ref-24)
24. Walker, Doug, Deputy Commissioner, Communications (April 19, 2016). Protecting Your Social Security Number, from Identity Theft, Social Security Administration, https://blog.ssa.gov/protecting-your-socialsecurity-number-from-identity-theft/. [↑](#footnote-ref-25)
25. OCC’s Initial Comments at 20-22. [↑](#footnote-ref-26)