**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

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| In the Matter of the Application of Duke Energy Ohio, Inc. for Approval of its Temporary Plan and Waiver of Tariffs and Rules Related to the COVID-19 State of Emergency.In the Matter of the Application of Duke Energy Ohio, Inc. for Approval of a Reasonable Arrangement.In the Matter of the Application of Duke Energy Ohio, Inc. to Modify its Economic Competitiveness Fund Rider and Request for Waivers. | )))))))))))) | Case No. 20-599-GE-UNCCase No. 20-856-EL-AECCase No. 20-857-EL-RDR |

**MOTION TO PROTECT PIPP CUSTOMERS DURING THE TRANSITION TO RESUME NORMAL OPERATIONS**

**BY**

**COALITION ON HOMELESSNESS AND HOUSING IN OHIO**

**OFFICE OF THE OHIO CONSUMERS’ COUNSEL**

**OHIO POVERTY LAW CENTER**

**PRO SENIORS, INC.**

**SOUTHEASTERN OHIO LEGAL SERVICES**

The Consumer Parties[[1]](#footnote-1) move the Public Utilities Commission of Ohio (“PUCO”) for an Order to protect electric Percentage of Income Payment Plan (“PIPP”) customers during Duke’s transition to normal operations.[[2]](#footnote-2) Such customers are among Duke’s most vulnerable. The coronavirus pandemic has heightened the challenges they face. They need protection. As

explained in the Consumer Parties’ Memorandum in Support, the PUCO should enter an Order preventing Duke from dropping customers from electric PIPP until no earlier than January 2021. That is when the state agency responsible for administering the electric PIPP program -- the Ohio Development Services Agency -- may resume dropping customers from electric PIPP for other eligibility reasons.

Respectfully submitted,

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| Bruce Weston (0016973) Ohio Consumers’ Counsel*/s/ William J. Michael*William J. Michael (0016973)Counsel of RecordAmbrosia E. Wilson (0096598)Assistant Consumers’ Counsel**Office of the Ohio Consumers' Counsel**65 East State Street, 7th FloorColumbus, Ohio 43215-4213Telephone: [Michael]: (614) 466-1291Telephone: [Wilson]: (614) 466-1292William.michael@occ.ohio.govambrosia.wilson@occ.ohio.gov */s/ Joseph V. Maskovyak*Joseph V. Maskovyak (0029832)Affordable and Fair Housing Coordinator**COHHIO**175 S. Third St. Suite 580Columbus, OH 43215614-280-1984 Ext.133Fax.614-463-1060joemaskovyak@cohhio.orgwebsite: [www.cohhio.org](http://www.cohhio.org) | */s/ Susan Jagers*Susan Jagers (0061678)**Ohio Poverty Law Center**1108 City Park Ave. Suite 200Columbus, OH 43206614-824-2501sjagers@ohiopovertylaw.org(will accept service via e-mail) |
| */s/ Peggy P. Lee*Peggy P. Lee #0067912Senior Staff Attorney II**Southeastern Ohio Legal Services**964 E State StAthens, OH  45701740.594.3558Direct: 614.827.0516Fax: 740.594.3791plee@seols.org(will accept service via e-mail)*/s/ Mike Walters*Mike WaltersLegal Helpline Managing AttorneyPro Seniors, Inc.7162 Reading Road, Suite 1150Cincinnati, OH 45237513.458.5532 | 513.345.4162 (Fax) mwalters@proseniors.org/[www.proseniors.org](http://www.proseniors.org) |

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**MEMORANDUM IN SUPPORT**

# INTRODUCTION

The coronavirus pandemic is ongoing. Ohioans continue to struggle with health and financial challenges. Electric PIPP customers need continued consumer protections due to the pandemic. To protect consumers, the PUCO should prevent Duke from dropping customers from electric PIPP until no earlier than January 2021. That is when the state agency responsible for administering the electric PIPP program -- the Ohio Development Services Agency -- may resume dropping customers from electric PIPP for other eligibility reasons.

# RECOMMENDATION

To protect consumers, the PUCO should prevent Duke from removing customers from electric PIPP until no earlier than January 2021**.**

Duke recently filed a Notice Confirming How the PIPP and Graduate PIPP Will Resume to Normal Operations(“Notice”).[[3]](#footnote-3) The PUCO should Order Duke to follow the protective and measured approach planned by state government that administers the electric PIPP program, the Ohio Developmental Services Agency. To protect consumers, the PUCO should prevent Duke from dropping customers from electric PIPP until no earlier than January 2021, when the Ohio Developmental Services Agency may resume removing customers from electric PIPP.

The electric PIPP program is a vitally important consumer protection. It helps the most vulnerable Ohioans maintain their essential utility service. Recognizing the importance of this program, the PUCO prevented Duke from dropping customers from electric PIPP as part of approving its emergency plan.[[4]](#footnote-4)

The PUCO should continue the consumer protections in its Finding and Order in place, which prevent Duke (and other electric utilities) from dropping customers from electric PIPP through the end of the year. This protection is consistent with the consumer protection provided by the Ohio Developmental Services Agency who is administering the program. Additionally, the PUCO should direct its Staff to work with the Ohio Developmental Services Agency to assist in coordinating future plans for reinstating all electric PIPP eligibility and verification requirements.

Given the critical health and safety role that electric PIPP serves in protecting at-risk Ohioans,[[5]](#footnote-5) particularly during a once-in-a-lifetime pandemic, Duke should be prevented from prematurely dropping consumers from the program.

# CONCLUSION

The most vulnerable Ohioans’ struggles have been made that much worse by the coronavirus pandemic. The PUCO should require Duke to maintain the electric PIPP program consumer protection at least through the end of the year.

 Respectfully submitted,

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| Bruce Weston (0016973) Ohio Consumers’ Counsel*/s/ William J. Michael*William J. Michael (0016973)Counsel of RecordAmbrosia E. Wilson (0096598)Assistant Consumers’ Counsel**Office of the Ohio Consumers' Counsel**65 East State Street, 7th FloorColumbus, Ohio 43215-4213Telephone: [Michael]: (614) 466-1291Telephone: [Wilson]: (614) 466-1292William.michael@occ.ohio.govambrosia.wilson@occ.ohio.gov */s/ Joseph V. Maskovyak*Joseph V. Maskovyak (0029832)Affordable and Fair Housing Coordinator**COHHIO**175 S. Third St. Suite 580Columbus, OH 43215614-280-1984 Ext.133Fax.614-463-1060joemaskovyak@cohhio.orgwebsite: [www.cohhio.org](http://www.cohhio.org) | */s/ Susan Jagers*Susan Jagers (0061678)**Ohio Poverty Law Center**1108 City Park Ave. Suite 200Columbus, OH 43206614-824-2501sjagers@ohiopovertylaw.org(will accept service via e-mail) |
| */s/ Peggy P. Lee*Peggy P. Lee #0067912Senior Staff Attorney II**Southeastern Ohio Legal Services**964 E State StAthens, OH  45701740.594.3558Direct: 614.827.0516Fax: 740.594.3791plee@seols.org(will accept service via e-mail)*/s/ Mike Walters*Mike WaltersLegal Helpline Managing AttorneyPro Seniors, Inc.7162 Reading Road, Suite 1150Cincinnati, OH 45237513.458.5532 | 513.345.4162 (Fax) mwalters@proseniors.org/[www.proseniors.org](http://www.proseniors.org) |

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of this Motion To Protect PIPP Customers During The Transition To Resume Normal Operations has been served via electronic transmission upon the following parties of record this 25th day of September 2020.

 */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:

**SERVICE LIST**

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1. Coalition on Homelessness and Housing in Ohio; Office of the Ohio Consumers’ Counsel; Ohio Poverty Law Center; Pro Seniors, Inc.; Southeastern Ohio Legal Services. [↑](#footnote-ref-1)
2. O.A.C. 4901-1-12. [↑](#footnote-ref-2)
3. September 1, 2020. [↑](#footnote-ref-3)
4. *See, e.g., In the Matter of the Application of Duke Energy Ohio, Inc. For Approval of its Temporary Plan and Waiver of Tariffs and Rules Related to the COVID-19 State of Emergency*,Case 20-599-GE-UNC*,* Finding and Order (June 17, 2020) at 9. [↑](#footnote-ref-4)
5. R.C. 4928.02(L). [↑](#footnote-ref-5)