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PUCO

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BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Amendment of )  
Certain Rules to Revise Language ) Case No. 07-1042-AU-ORD  
Requirements on Case No. 07-1042-AU- )  
ORD Utility Bills and Other Documents. )

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REPLY COMMENTS  
BY  
THE OFFICE OF THE OHIO CONSUMERS' COUNSEL;  
CITY OF CLEVELAND;  
EMPOWERMENT CENTER OF GREATER CLEVELAND, CONSUMERS FOR  
FAIR UTILITY RATES AND THE NEIGHBORHOOD ENVIRONMENTAL  
COALITION; APPALACHIAN PEOPLE'S ACTION COALITION; AARP OHIO;  
OHIO PARTNERS FOR AFFORDABLE ENERGY; COMMUNITY ACTION  
PARTNERSHIP OF THE GREATER DAYTON AREA; AND THE CITY OF  
TOLEDO

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On October 3, 2007, the Public Utilities Commission of Ohio ("Commission" or "PUCO") issued an Entry, calling for comments, inter alia, on modifying various PUCO rules related to the call center contact information for the Office of the Ohio Consumers' Counsel ("OCC"). Ohioans see this contact information on their utility bills, welcome letters, disconnection notices, energy contracts, and statements of customer rights. OCC is the state agency that represents all of Ohio's residential utility consumers.

OCC, the City of Cleveland; Empowerment Center of Greater Cleveland, Consumers for Fair Utility Rates, and The Neighborhood Environmental Coalition; Appalachian People's Action Coalition; AARP Ohio; Ohio Partners for Affordable Energy; Community Action Partnership of the Greater Dayton Area; and the City of Toledo filed joint comments as the Consumer Coalition. The joint comments emphasized the need to have the rules amended so as to actually inform residential utility consumers

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that OCC's call center is once again able to receive residential consumers' complaints about their utility service. The Consumer Coalition recommended that the Commission adopt the following contact information to provide Ohioans with helpful and accurate information about the services of their statutory advocate, OCC:

**Residential customers can obtain help in resolving complaints or utility issues by contacting the Ohio Consumers' Counsel toll-free at 1-877-742-5622 from 8 a.m. to 5 p.m. weekdays, or at [www.pickocc.org](http://www.pickocc.org).**

Only one other comment was filed, by Columbus Southern Power Company and Ohio Power Company (collectively, "AEP Ohio").<sup>1</sup> AEP Ohio states that it "has no specific comments regarding the proposed rules."<sup>2</sup>

But "AEP Ohio does request that the Commission make clear in its order in this docket which modifies current content of utility bills that affected utilities will be permitted to use any bill stock on hand or already ordered before being required to begin using new bill stock in conformance with any such modifications."<sup>3</sup> The Consumer Coalition has some sympathy -- within reason -- for this circumstance of the ordering of bill stock by utilities. The Consumer Coalition's greatest concern, however, lies with what best serves Ohio's 4.5 million residential utility consumers. And what is reasonable for consumers regarding the bill stock issue depends upon a number of factors that include when a particular utility ordered bill stock relative to the June 27, 2007 passage

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<sup>1</sup> Given the virtual silence of the utilities on this issue (especially compared to the interest shown regarding *In the Matter of the Amendment of Certain Rules of the Ohio Administrative Code to Implement Sections 4905.261 and 4911.021, Revised Code*, Case No. 05-1350-AU-ORD ("05-1350"), the last time the issue of OCC's contact information was addressed), the Consumer Coalition is concerned that some may address issues in reply comments that should have been raised in initial comments. On that basis, the Consumer Coalition reserves the right to request a reply opportunity.

<sup>2</sup> AEP Ohio Comments (October 18, 2007) at [1].

<sup>3</sup> *Id.*

of House Bill 119 that restored and made it known that OCC's call center would handle complaints. Given the change in the law, placing orders for large amounts of bill stock after June 27, 2007 would not have been prudent.

It was the General Assembly's decision to restore complaint-handling capabilities to OCC's call center, making this additional service available to Ohio residential consumers effective on September 28, 2007.<sup>4</sup> It would not be in the public interest to suspend the timely provision of helpful and accurate information to Ohio consumers for the purpose of allowing AEP Ohio -- or any other utility -- to exhaust over an extended time period every piece of bill stock that is not suitably helpful and accurate for consumers.

It should also be noted that AEP Ohio mentions only using up bill stock. The rules in question also address disconnection notices and statements of customer rights.<sup>5</sup> Apparently these other printed materials are not an issue for AEP Ohio. And apparently the "stock exhaustion" issue is not an issue for any other utility, given that they did not find it necessary to take this opportunity to file a brief comment like AEP Ohio's.

Obviously, the Consumer Coalition believes that Ohio's residential consumers deserve notice of the services available from OCC as soon as possible, particularly as the transition to the winter heating season continues. It would be advantageous, in fact, for

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<sup>4</sup> Clearly, a utility that ordered bill stock after the date of the Commission's entry in this case -- October 3, 2007 -- had specific notice that the bills would have to be changed.

<sup>5</sup> The rules also address welcome letters and energy contracts. These would not be an issue for AEP Ohio.

utilities to request waivers from the current rules in order to provide such information even before the amended rules -- whatever their ultimate content -- become effective.<sup>6</sup>

But it does not make much sense for there to be any continued use of the pre-H.B. 119 language once the amended rules go into effect. The Commission should require any utility that seeks to delay the implementation of OCC's new contact information to do so by filing for a waiver of the rule, with a showing of extraordinary circumstances to demonstrate why the waiver is necessary, including a demonstration that complying with the new rule would cause substantial financial harm.

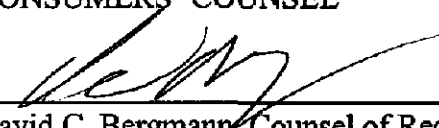
The Consumer Coalition urges the Commission to reject AEP's proposal. The proposal is in effect a request for a blanket waiver allowing AEP and all other utilities to suspend providing consumers with helpful and accurate information about OCC's services while the utilities use any bill stock on hand or already ordered, no matter how long the delay. Further, the Consumer Coalition again urges the Commission to adopt the changes to the rules and the other positions that were proposed in the Consumer Coalition's initial comments.

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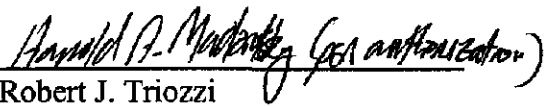
<sup>6</sup> Some utilities did file waivers to remove OCC contact information from their bills in 2005, before the rules deleting reference to complaint handling were effective. See *In the Matter of the Commission Consideration of Waivers of the Administrative Code*, Case No. 05-1191-AU-UNC, Entry (September 28, 2005).

Respectfully submitted,

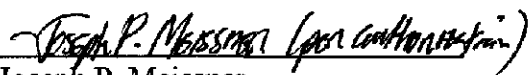
JANINE L. MIGDEN-OSTRANDER  
CONSUMERS' COUNSEL

  
David C. Bergmann, Counsel of Record  
Richard C. Reese  
Melissa R. Yost  
Assistant Consumers' Counsel

**Office of the Ohio Consumers' Counsel**  
10 West Broad Street, Suite 1800  
Columbus, Ohio 43215-3485  
(614) 466-8574 (Telephone)  
bergmann@occ.state.oh.us  
reese@occ.state.oh.us  
yost@occ.state.oh.us

  
Robert J. Triozzi  
Director of Law  
Harold A. Madorsky  
Assistant Director of Law

**Counsel for City of Cleveland**  
City Hall, Room 106  
601 Lakeside Avenue  
Cleveland, Ohio 44114  
Phone: (216) 664-2819

  
Joseph P. Meissner

**Counsel for Empowerment Center of  
Greater Cleveland, Consumers for Fair  
Utility Rates and The Neighborhood  
Environmental Coalition**  
Legal Aid Society of Cleveland  
1223 West Sixth Street  
Cleveland, Ohio 44113  
Phone: (216) 687-1900 ext. 5672

Michael R. Smalz (per authorization)  
Michael R. Smalz

**Counsel for Appalachian People's Action  
Coalition**

Ohio State Legal Services Association  
555 Buttles Avenue  
Columbus, Ohio 43215  
Phone: (614) 221-7201

Ron Bridges (per authorization)  
Ron Bridges

**AARP Ohio**

17 South High Street, Suite 800  
Columbus, Ohio 43215  
Phone: (866) 389-5653

Colleen L. Mooney (per authorization)  
David C. Rinebolt  
Colleen L. Mooney

**Counsel for Ohio Partners for Affordable  
Energy**

231 West Lima Street  
P.O. Box 1793  
Findlay, Ohio 45839-1793  
Phone: (419) 425-8860

Ellis Jacobs (per authorization)  
Ellis Jacobs

**Counsel for Community Action  
Partnership of the Greater Dayton Area**

Advocates for Basic Legal Equality, Inc.  
333 West First Street, Suite 500B  
Dayton, Ohio 45402

Nancy Bruce (per authorization)

Kerry Bruce

Senior Attorney

Leslie A. Kovacik

Senior Attorney

**Counsel for Toledo**

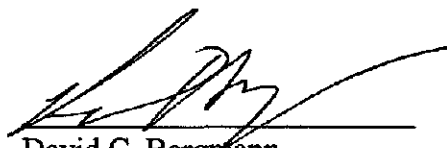
One Government Center, Suite 2250

Toledo, Ohio 43604

(419) 245-1020 (Telephone)

## **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Reply Comments of the Office of the Ohio Consumers' Counsel and the City of Cleveland; Empowerment Center of Greater Cleveland, Consumers for Fair Utility Rates, and the Neighborhood Environmental Coalition; Appalachian People's Action Coalition; AARP Ohio; Ohio Partners for Affordable Energy; Community Action Partnership of the Greater Dayton Area; and the City of Toledo was served by first class United States Mail, postage prepaid, to the persons listed below, on this 25<sup>th</sup> day of October 2007.



David C. Bergmann  
Assistant Consumers' Counsel

## **SERVICE LIST**

**DUANE W. LUCKEY**  
Assistant Attorney General  
Chief, Public Utilities Section  
Office of Attorney General  
180 East Broad Street, 9<sup>th</sup> Floor  
Columbus, Ohio 43215-3793

**MARVIN I. RESNIK**  
Assistant General Counsel  
American Electric Power Service Corp.  
1 Riverside Plaza  
Columbus, Ohio 43215

**GLENN S. KRASSEN**  
Counsel for NOPEC  
Bricker & Eckler LLP  
1375 East Ninth Street, Suite 1500  
Cleveland, Ohio 44114