

**FILE**

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Commission's Review )  
of Chapters 4901:1-7 and 4901:1-18 and )  
Rules 4901:1-5-07, 4901:1-10-22, 4901:1- )  
13-11, 4901:1-15-17, 4901:1-21-14, and )  
4901:1-29-12 of the Ohio Administrative )  
Code. )

Case No. 08-723-AU-ORD

PUCO

2008 JUL -8 AM 10:55

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**MOTION FOR LOCAL PUBLIC HEARINGS  
BY**

**THE OFFICE OF THE OHIO CONSUMERS' COUNSEL,  
THE APPALACHIAN PEOPLE'S ACTION COALITION, EMPOWERMENT  
CENTER OF GREATER CLEVELAND, THE NEIGHBORHOOD  
ENVIRONMENTAL COALITION, CONSUMERS FOR FAIR UTILITY RATES,  
MAY DUGAN CENTER, UNITED CLEVELANDERS AGAINST POVERTY,  
SUPPORTS TO ENCOURAGE LOW-INCOME FAMILIES, CITIZENS UNITED  
FOR ACTION, PRO-SENIORS, CLEVELAND TENANTS' ASSOCIATION,  
HARCATUS TRI-COUNTY COMMUNITY ACTION ORGANIZATION,  
COMMUNITY ACTION PARTNERSHIP, THE OHIO FARM BUREAU  
FEDERATION, THE AMERICAN ASSOCIATION OF RETIRED PERSONS,  
AND THE EDMONT NEIGHBORHOOD COALITION.**

On behalf of Ohio's 4.5 million residential utility consumers, the Consumer Groups<sup>1</sup> move the Public Utilities Commission of Ohio ("PUCO" or "Commission") to schedule local public hearings to allow Ohioans to present testimony to the PUCO on changes to the PUCO's rules governing the means by which consumers can establish credit with public utilities as well as the rules that govern the disconnection of gas and electric service, including payment arrangements such as the Percentage of Income

<sup>1</sup> The "Consumer Groups" are comprised of the Office of the Ohio Consumers' Counsel ("OCC"), the Appalachian People's Action Coalition, Empowerment Center of Greater Cleveland, Communities United for Action, Edgemont Neighborhood Coalition, May Dugan Center, Cleveland Tenants' Association, Pro-Seniors, HARCATUS Tri-County Community Action Organization, Supports to Encourage Low-Income Families, United Clevelanders Against Poverty, Community Action Partnership, the Ohio Farm Bureau Federation, the American Association of Retired Persons, and Consumers for Fair Utility Rates.

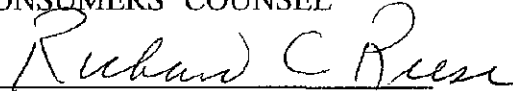
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Payment Plan ("PIPP") that assists low-income customers with paying their utility bills.<sup>2</sup> The local public hearings should be held at times and locations that are convenient to the Ohio public, including evening hearings in Akron, Cincinnati, Cleveland, Columbus, Dayton, Findlay, Marietta, Portsmouth, Toledo, and Zanesville.

The Consumer Groups encourage the Commission to coordinate these hearings with the Office of Community Services of the Ohio Department of Development ("ODOD"). ODOD is currently involved in developing Percentage of Income Payment Plan ("PIPP") rules which will apply to the electric industry. The Commission and ODOD should consider the testimony of consumers at these local public hearings in the development of these proposed rules that impact primarily low-income Ohioans, but also other consumers. The detailed reasons supporting the Consumer Groups' Motion are set forth in the attached Memorandum in Support;

Respectfully submitted,

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<sup>2</sup> The Motion is made in accordance with Ohio Adm. Code 4901-1-12.

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**MEMORANDUM IN SUPPORT**

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**I. INTRODUCTION**

On June 25, 2008, the PUCO opened the above-captioned rulemaking in order to solicit comments on the its Staff's proposed revisions to the PUCO's rules governing the means by which consumers can establish credit with public utilities<sup>3</sup> as well as the rules that govern the disconnection of gas and electric service<sup>4</sup>, including payment arrangements (such as PIPP and other programs). The Consumer Groups request that the Commission schedule local public hearings throughout Ohio to obtain input from low-income consumers most affected by the credit and disconnection rules being revised in this proceeding, and from other consumers who may be impacted by these rules.<sup>5</sup>

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<sup>3</sup> Ohio Adm. Code 4901:1-17.

<sup>4</sup> Ohio Adm. Code 4901:1-18.

<sup>5</sup> The Commission has most recently recognized the need for multiple local public hearings by scheduling twelve such hearings throughout FirstEnergy's service territory: *In re the Application of Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company for Authority to Increase Rates for Distribution Service, Modify Certain Accounting Practices and for Tariff Approvals*, Case No. 07-551-EL-AIR et al., Entry (February 13, 2008).

Hundreds of thousands of consumers have their gas and/or electric service disconnected each year for non-payment even though energy services are essential to their own and their families' health and safety. Ohio has declared an emergency for each of the last 24 years to give consumers additional opportunities to maintain or restore service during the winter months.<sup>6</sup> Low-income consumers in particular have few payment alternatives and the options that are available are often difficult to understand or afford.

It is appropriate for the Commission to hear testimony from these and other consumers in order for their concerns to be fully included in the PUCO's consideration of the efficacy and scope of revisions to the rules.

## **II. LOCAL PUBLIC HEARINGS ARE ESSENTIAL TO DEVELOPING CREDIT AND DISCONNECTON RULES**

The critical financial challenges for many Ohioans in the current economy warrant scheduling hearings throughout Ohio for consumer input to the PUCO's rules for low-income programs. These challenges include the increasing costs of energy, as well as creditworthiness rules and disconnection rules at a time when many Ohio families are challenged to make ends meet. The scope of this PUCO rulemaking should accommodate a broad range of perspectives on these issues. Likewise, the ODOD rulemaking proceeding should include a similar broad range.

A mere paper comment proceeding will not adequately accommodate input from consumers. The Commission has previously recognized the necessity of local public

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<sup>6</sup> The most recent Entry concerning "special reconnection procedures" was issued in late 2007. *In re the Investigation into Long-Term Solutions Concerning Disconnection of Gas and Electric Service in Winter Emergencies*, Case No. 07-938-GE-UNC, Entry (September 5, 2007).

hearings in rulemaking proceedings.<sup>7</sup> The need for local public hearings, in a number of locations, is perhaps even more compelling in this rulemaking. The mere holding of one local public hearing (presumably in Columbus) would not afford interested low-income and other customers from around Ohio an adequate opportunity to testify. It would be burdensome and inconvenient to consumers to require them to travel to Columbus to speak before their state officials.

In recent months both ODOD and the PUCO have been receiving informal input from natural gas and electric utilities as well as consumer groups regarding PIPP reform and other needed rule changes. Such an opportunity for input should be afforded to all consumers at local public hearings prior to the deadline for initial comments to be filed in this case so such comments can be considered by the Commission. The input of the public at a local public hearing will more fully complete the record for the Commission's consideration and is essential to "preserve the right of the public to participate at every stage of the process."<sup>8</sup>

The Consumer Groups propose that hearings be held in Akron, Cincinnati, Cleveland, Columbus, Dayton, Findlay, Marietta, Portsmouth, Toledo, and Zanesville in order to provide access to a substantial number of residential consumers served by various energy utilities. This number of hearings in these locations will allow consumers

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<sup>7</sup> *In re the Implementation of H. B. 218 Concerning Alternative Regulation of Basic Local Exchange Service of Incumbent Local Exchange Telephone Companies*, Case No. 05-1305-TP-ORD, Entry (December 21, 2005); *In re the Commission Ordered Investigation of an Elective Alternative Regulation Framework for Incumbent Local Exchange Companies*, Case No. 00-1532-TP-COI, Entry (May 31, 2001); *In re the Commission's Promulgation of Rules for the Establishment of Alternative Regulation for Large Local Exchange Companies*, Case No. 92-1149-RP-COI, Finding and Order at 4 (January 7, 1993).

<sup>8</sup> *In re the Commission Investigation Into the Implementation of Section 4927.01 to 4927.05 Revised Code, as They Relate to Regulation of Small Local Exchange Telephone Companies*, Case No. 89-564-TP-COI, Finding and Order at 9 (January 31, 1991).

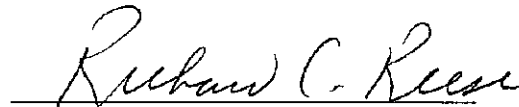
to appear without being burdened by the need to travel great distances in order to present their views to the Commission. The hearings should be held in the evening so as to serve the convenience of consumers.

### III. CONCLUSION

For the reasons stated above, the Commission, in conjunction with ODOD, should hold evening local public hearings throughout Ohio to ensure that Ohioans are afforded the opportunity to be heard on these important issues. In the interest of informed decision-making that has the potential to help many Ohioans in a time of need, the PUCO should grant the Consumer Groups' Motion for Local Public Hearings.

Respectfully submitted,

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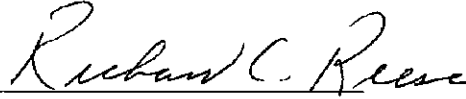
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## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion for Local Public Hearings by the Consumer Groups was served by first class United States Mail, postage prepaid, to the persons listed below, on this 8<sup>th</sup> day of July, 2008.



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