

**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-)	Case No. 08-723-AU-ORD
13-11, 4901:1-15-17, 4901:1-21-14, and)	
4901:1-29-12 of the Ohio Administrative)	
Code.)	

**APPLICATION FOR REHEARING
BY
THE OFFICE OF THE OHIO CONSUMERS' COUNSEL,
CONSUMERS FOR FAIR UTILITY RATES, THE NEIGHBORHOOD
ENVIRONMENTAL COALITION, CLEVELAND HOUSING NETWORK,
EMPOWERMENT CENTER OF GREATER CLEVELAND, COMMUNITY
ACTION PARTNERSHIP, MAY DUGAN MULTI-PURPOSE CENTER, UNITED
CLEVELANDERS AGAINST POVERTY, CITIZENS UNITED FOR ACTION,
CLEVELAND TENANTS' ASSOCIATION, HARCATUS TRI-COUNTY
COMMUNITY ACTION ORGANIZATION, ORGANIZE OHIO, PRO SENIORS,
INC., THE OHIO FARM BUREAU FEDERATION, THE OHIO POVERTY LAW
CENTER, AND THE EDMONTON NEIGHBORHOOD COALITION**

Pursuant to R.C. 4903.10 and Ohio Adm. Code 4901:1-35, the Office of the Ohio Consumers' Counsel ("OCC"), Consumers for Fair Utility Rates, the Neighborhood Environmental Coalition, Cleveland Housing Network, Empowerment Center of Greater Cleveland, Community Action Partnership, May Dugan Multi-Purpose Center, United Clevelanders Against Poverty, Citizens United for Action, Cleveland Tenants' Association, Harcatus Tri-County Community Action Agency, Organize Ohio, Pro Seniors, Inc., the Ohio Farm Bureau Federation, the Ohio Poverty Law Center, and the Edgemont Neighborhood Coalition (collectively, "Consumer Groups"), each a party to these proceedings, each apply for rehearing from the June 3, 2009, Entry ("June 3 Entry") of the Public Utilities Commission of Ohio ("PUCO" or "Commission").

In the June 3 Entry, the PUCO delayed, for seventeen months, until November 1, 2010, the implementation of changes in programs to assist low-income Ohioans regarding the cost of their electric and natural gas services. Specifically, the PUCO delayed the effective date for the changes to Ohio Adm. Code Chapters 4901:1-17 and 4901:1-18 adopted in this proceeding.¹ Although the Consumer Groups disagreed with some of those changes, there is no reason why every one of the changes intended to benefit low-income Ohioans should be delayed another sixteen months. The June 3 Entry is unlawful and unreasonable in the following respects, and should be abrogated and modified:

- A. The Commission Entry Unreasonably Lacks Support Or Detailed Justification For Delaying The Implementation Of The Amendments To Ohio Adm. Code 4901:1-17 And Ohio Adm. Code 4901:1-18 And Violates R.C. 4903.09.
- B. Even If Some Delay In The Implementation Of Some Rules Was Warranted, The PUCO Should Not Have Delayed All The Rule Changes That Would Benefit Low-Income Ohioans But Should Have Limited The Delay By Distinguishing Between The Implementation Of Rules That Require Little, If Any, Programming Changes Or Costs And Those That Do Entail Such Changes.
- C. Even Where The Adopted Rules Do Require Programming Changes, The Commission Entry Unreasonably Imposes A Uniform Extended Implementation Date In Lieu Of A Gradual Implementation Approach Which Could Provide Immediate Relief To Some Residential Customers.
- D. The PUCO Failed To Establish Benchmarks For The Utilities' Progress Toward Implementing The Rules Changes That Are Intended To Benefit Low-Income Ohioans And Failed To Require The Utilities To Publicly File Updates, To Be Served Upon All Parties, Until The Rules Are Fully Implemented.

¹ Entry at 2.

- E. The PUCO Failed To Establish A Process For Ensuring Sufficiency Of Data From The Utilities And Scope For The Two-Year Review Of The Restructured PIPP Program That Is Intended To Benefit Low-Income Ohioans.

The grounds upon which the Commission's Entry is unlawful and unreasonable are more fully explained in the attached Memorandum in Support.

Respectfully submitted,

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MEMORANDUM IN SUPPORT

I. INTRODUCTION

The Commission Entry of June 3, 2009 delayed implementation of the credit and collection rules in Ohio Adm. Code 4901:1-17 as well as rules regarding disconnection rules contained in Ohio Adm. Code 4901:1-18. Importantly, the disconnection rules address the Percentage of Income Payment Plan ("PIPP"), a payment plan that permits the poorest Ohioans to obtain and maintain energy service.

In May 2008, Governor Ted Strickland initiated an Anti-Poverty Task Force through an Executive Order with a mandate to identify strategic recommendations to reduce poverty in Ohio.² The task force recognized and provided a significant recommendation that families in crisis needed protection to access basic utility services including gas, electric, water, and telephone service.³

² Strategic Recommendations for Expanding Opportunity and Reducing Poverty in Ohio, The Ohio Anti-Poverty Task Force, April 28, 2009, at 1.

³ Id., Recommendation 9, at 17.

In December 2008, Governor Strickland stated that “Our great state is confronted with challenges of historic proportions” as he referred to the economic deterioration in the state.⁴ According to the May 2009 employment statistics, the unemployment level in Ohio is currently 10.8%, up from 10.2% in April 2009.⁵ There is no sign that the unemployment rate in Ohio will improve dramatically in the near future; the economy in Ohio is clearly in dire straits.

The current economic decline has resulted in increases to the number of Ohioans who live at or below 100% of the Federal Poverty Level (“FPL”).⁶ Total gas and electric disconnections have increased 5% over the last year. This means that, on average, one in nine Ohio households lost access to utility services at some point in the last year.⁷

It is against this economic backdrop that the Commission has delayed even the implementation of lower PIPP payment levels for an inordinate amount of time. The Consumer Groups recommend that the Commission reconsider the lengthy delay it has imposed in implementing these rules that benefit low-income Ohioans.

⁴ Governor Discusses Impact of National Economic Deterioration on Ohio Budget, <http://www.governor.ohio.gov/News/Pressreleases/2008/December2008/news12108/>.

⁵ <http://jfs.ohio.gov/RELEASES/unemp/200906/UnempPressRelease.asp>.

⁶ The Real Bottom Line, The State of Poverty in Ohio 2008, New Obstacles and Opportunities For Low Income Ohioans, Community Research Partners, May 2008 at 7.

⁷ OSCAR Reports (Column 8.01) for the twelve months ending April 2009 compared with like data from April 2008.

II. ARGUMENT

A. The Commission Entry Unreasonably Lacks Support Or Detailed Justification For Delaying The Implementation Of The Amendments To Ohio Adm. Code 4901:1-17 And Ohio Adm. Code 4901:1-18 And Violates R.C. 4903.09.

The Commission provided virtually no rationale or record for delaying implementation of the new natural gas PIPP rules until November 1, 2010. R.C. 4903.09 provides:

In all contested cases heard by the public utilities commission, a complete record of all of the proceedings shall be made, including a transcript of all testimony and of all exhibits, and the commission shall file, with the records of such cases, findings of fact and written opinions setting forth the reasons prompting the decisions arrived at, based upon said findings of fact.

The Ohio Supreme Court has previously held that “a commission order must provide in sufficient detail, the facts in the record upon which the order is based, and the reasoning followed by the PUCO in reaching its conclusion.”⁸ The Commission’s Entry delaying the implementation of amendments to any of the rules contained in Ohio Adm. Code 4901:1-17 and Ohio Adm. Code 4901:1-18, fails to provide the necessary detail or reasoning for the PUCO’s decision.

Earlier in this case, the Commission stated that it took into consideration what it referred to as the “pragmatic parameters” of the magnitude of changes involved for the utilities in implementing the new rules.⁹ The PUCO also claimed that it will take a great deal of time to educate call center employees, industry employees and community action

⁸ *Tongren v. Pub. Util. Comm.* (1999), 85 Ohio St. 3d 87, 89.

⁹ Entry on Rehearing at 41.

agency representatives on these changes.¹⁰ Now it asserts that all of these changes will require until November 1, 2010, for the changes to take effect.

The Commission has exaggerated the complexity of implementing the new rules. There is no information in the record to support that community action agency employees need additional time to become educated on the new rules. Nor do the call-center employees of the Office of the Ohio Consumers' Counsel who help consumers in crisis, need additional time to understand the new rules in order to assist consumers. PIPP is largely administered by local community action agencies, and The Consumer Groups have found nothing in the record to suggest that their employees need additional time to become educated on the new rules. In fact, the Ohio Consumer Advocates ("OCA"), including the Ohio Association of Community Action Agencies, specifically requested that the implementation of the new PIPP rules not be delayed, stating "It is not possible that any public utility doing business in the state of Ohio is unaware of the changes contemplated and is unprepared to comply with rule revisions in a timely fashion."¹¹ The Consumer Groups agree with OCA and request that the Commission reconsider the delayed implementation of these rules.

Over the last several years, both before and during to the opening of this proceeding, there have been numerous workshops and meetings with PUCO Commissioners and Commission Staff to discuss the need for PIPP reform.¹² In addition,

¹⁰ Id.

¹¹ OCA Memo Contra at 5-6.

¹² The extensive communication between the parties and the PUCO included an initial meeting with members of the Low Income Dialog Group ("LIDG") and the PUCO Staff that took place on December 19, 2007. The LIDG met with individual Commissioners on January 15, 2008. The PUCO also conducted a workshop to discuss the proposed changes in the rules on July 8, 2008.

various stakeholders, including utilities, participated in workshops at ODOD, which focused on reform of the electric PIPP rules.¹³ In other words, there has been frequent and significant contact between the various stakeholders concerned with the PIPP reform process. The instant case was initiated on June 25, 2008, over a year ago. The framework of rules accompanying the Entry on Rehearing remains largely the same as when the rules were first proposed. The natural gas companies, as well as other parties, have had ample time to prepare for the implementation of these rules. For example, it should have been obvious from the beginning that PIPP payment levels would likely change, that PIPP arrearage crediting would likely be part of the rules, and that a uniform graduate PIPP program would likely be adopted.

As indicated earlier by a letter from Mark Barbash, Interim Director of ODOD:

As you know, the Ohio Department of Development (ODOD) has, for several years, been engaged in extensive outreach efforts to obtain input from low-income customers, electric and gas utilities and other stakeholders in developing new rules for the electric percentage of income payment plan (PIPP) program.¹⁴

After acknowledging the significant outreach that ODOD had conducted in preparing to adopt electric PIPP rules, Mr. Barbash encouraged the PUCO not to delay PIPP reform:

In light of the current economy's impacts on Ohio's low income citizens, ODOD believes that it is critical for low-income customers to have access to the new payment levels and arrearage crediting benefits as soon as possible. ODOD strongly encourages the Commission to make the new gas PIPP rules effective for the 2009- 2010 winter heating season.¹⁵

¹³ The extensive communication between the parties included workshops dating back to mid-2007, including a workshop with all of the parties on October 22, 2007 and a follow-up meeting with the LIDG and ODOD on November 29, 2007. ODOD also participates in monthly LIDG meetings in which PIPP reform has been discussed since 2005.

¹⁴ Letter from Mark Barbash, Interim Director of ODOD, docketed March 9, 2009.

¹⁵ Id.

The Consumer Groups concur with the position taken by ODOD. The lengthy consideration already afforded the parties to this case, combined with the bleak economic conditions in Ohio, call for utility companies to step up their efforts to make necessary programming and billing changes.

A number of recent cases filed by Ohio's electric utilities, concerning Electric Security Plans ("ESP"), resulted in enormous changes to the rate structure of these utilities.¹⁶ In the Fiscal Analysis that ODOD filed with the Joint Committee on Agency Rule Review for rule 122:5-3-04¹⁷, ODOD stated that the timing of the proposed PIPP changes is beneficial because it coincides with system changes that electric companies will already be making to implement new rate structures embodied within the electric security plans filed at the PUCO in 2008. ODOD expected certain cost efficiencies because the changes would be made in a single system updating effort. On the electric side, the billing and programming changes necessary to implement the provisions of the ESPs seem to have been accomplished in a mere 6-7 months. The complex system changes to implement SB-221 have already occurred and on a much faster time line than the Commission is requiring for the less complex PIPP changes for gas companies.

The Commission earlier noted that the implementation of these rules needed to be discussed with all stakeholders in this case to discuss technology issues, education and

¹⁶ See Case No. 08-920-EL-SSO et al., *In re the Application of Duke Energy Ohio, Inc., for Approval of an Electric Security Plan*; Case No. 08-917-EL-SSO, et al., *In re the Application of Columbus Southern Power Company for Approval of its Electric Security Plan; an Amendment to its Corporate Separation Plan; and the Sale or Transfer of Certain Generation Assets*; Case No. 08-935-EL-SSO et al., *In re the Application of Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company for Authority to Establish a Standard Service Offer Pursuant to R.C. 4928.143 in the Form of an Electric Security Plan*; Case No. 08-1094-EL-SSO et al., *In re the Application of The Dayton Power and Light Company for Approval of Its Electric Security Plan*.

¹⁷ Fiscal Analysis, "Payment and crediting arrangements and responsibilities," at 5 (November 26, 2008).

training, and other issues¹⁸. However, neither the Entry on Rehearing nor the June 3 Entry which set forth the November 1, 2010, implementation date for the new rules, was preceded by any collaboration that the Commission deemed to be warranted. Notably, the Entry setting forth the implementation date for implementation, was devoid of any reference to the collaboration the Commission found so essential in its Entry on Rehearing.

B. Even If Some Delay In The Implementation Of Some Rules Was Warranted, The PUCO Should Not Have Delayed All The Rule Changes That Would Benefit Low-Income Ohioans But Should Have Limited The Delay By Distinguishing Between The Implementation Of Rules That Require Little, If Any, Programming Changes Or Costs And Those That Do Entail Such Changes.

Many of the new requirements require only procedural changes, revision of printed and on-line materials, or re-training of staff. These should not be delayed.

Examples include:

- The creditworthiness rules require few if any programming changes and many can be implemented through merely procedural changes.
- Changes in the rules that now require utilities to mail customer rights information within five days of a customer's request for such information should require little time to implement.¹⁹

¹⁸ Entry for Rehearing at 41. "Accordingly, we delay the effective date of our rules to allow time for the Commission to collaborate with ODOD, the utilities, and other stakeholders to address implementation issues such as coordination with the new electric PIPP program, technology issues, education and training, billing and collection practices, and performance measures and reporting requirements. The utilities shall immediately begin the programming changes necessitated by the new gas PIPP program and changes to the provisions of Chapters 17 and 18. The Commission will address by subsequent entry the timeline for implementation."

¹⁹ Ohio Adm. Code 4901:1-17-08(D).

- Advising customers who receive electronic information from the company that disconnection notices can be provided electronically clearly does not require a major programming change.
- Advising customers who may be eligible for gas PIPP about the availability of the financial assistance program should require no programming changes and perhaps only minor procedural change.²⁰
- Ceasing the collection of late payment charges on the unpaid balance of amounts included as part of a payment plan also does not require a detailed programming change.²¹
- Changes in the medical certification and landlord-tenant provisions are merely procedural. In fact, Duke Energy appears to have already begun using the new, standardized form.²²
- Limiting the instances where reconnection charges can be assessed is a procedural change and requires little lead time for implementation.²³
- Inclusion of the PIPP anniversary date on the bill so that customers can be reminded of their responsibility to re-verify income is not an extensive programming exercise.²⁴
- Ceasing the collection of deposits from PIPP customers is already the practice of the major natural gas company's and can be implemented uniformly with minor programming and procedural changes.²⁵

²⁰ Ohio Adm. Code 4901:1-17-08(B).

²¹ Ohio Adm. Code 4901:1-18-05(H).

²² Reports from Children's Hospital in Cincinnati have revealed unanticipated defects in the new form, which asks the medical practitioner to reveal the medical license number. Doctors are reluctant to do this from fear that the number could be used by utility employees or others without authorization (e.g. to secure prescription medication). The phrase "life threatening" is being used to modify the need for service and not that service is needed for the operation of life-supporting machinery. Doctors are reporting instances in which the utility company second guesses their medical judgment, denying certification, rejecting certification when the company deems the condition unworthy of protection. Finally, Duke on its website describes medical certification as available when the payment difficulty is "due to family health problems."

²³ Ohio Adm. Code 4901:1-18-07(C).

²⁴ Ohio Adm. Code 4901:1-18-15(D).

²⁵ Ohio Adm. Code 4901:1-18-15(B).

- As noted earlier, training utility customer service staff and community action agencies about the new rules is not a reasonable cause for delay in implementation of the rules.²⁶ If anything, the changes in the PIPP program should expedite the educational process. Any training concerning reducing payment levels from 10% to 6% would be minimal.²⁷
- Compared with the existing complex, multi-year arrearage crediting scheme, it will be easier for utilities to explain to their customers the much simpler requirement for timely monthly payments to receive immediate credits.²⁸
- Replacing the existing “graduate PIPP” programs with an easily understandable payment requirement is far simpler than the current arrearage forgiveness program where customers were required to pay three different amounts over three years.²⁹

These changes should not and need not be delayed until November of 2010.

C. Even Where The Adopted Rules Do Require Programming Changes, The Commission Entry Unreasonably Imposes A Uniform Extended Implementation Date In Lieu Of A Gradual Implementation Approach Which Could Provide Immediate Relief To Some Residential Customers.

The Commission decision to delay implementation of the all of the new rules until November 2010 is based on a significant overstatement in the nature of the programming changes that need to be performed. The Commission erred in issuing a blanket extension and by not requiring the companies to demonstrate the actual time and expense required for implementing specific provisions.

²⁶ The Ohio Association of Community Action Agencies (OACCA) is certainly an authority for the training requirements of community action. OACCA is a party in this case and has already opposed the 18-month implementation delay. Memo Contra Applications for Rehearing, January 26, 2009, at 5.

²⁷ Ohio Adm.. Code 4901:1-18-13(A).

²⁸ Ohio Adm.. Code 4901:1-18-14(A).

²⁹ Ohio Adm. Code 4901:1-18-16(G). The comparison is made to the standard PIPP arrearage forgiveness program where customers were obligated to pay the PIPP payment for the first twelve-months after going off PIPP, their regular energy bill for the second twelve-months, and their regular bill plus an amount not to exceed \$20.00 in the third twelve-months.

The new, one-ninth installment payment plan (spreading delinquent payments over nine equal payments) simply adds three months to the one-sixth plan that has been in place for decades. It is inconceivable that expensive and extensive re-programming is needed to make such a simple change. The currently critically high state disconnection numbers indicate that customers need additional payment options now and there is no need for the Commission to deny customers this additional payment options until 2010.

Further, only minimal programming should be required to reduce the minimum payment billed to PIPP customers from the current 10% level to the proposed 6%. The Consumer Groups believe it will be quite easy for PIPP customers to grasp that their monthly PIPP payments are being reduced. Natural gas PIPP customers would benefit immediately from the reduced payment level and would not have to endure yet another year of higher, unaffordable payments. ODOD made a similar recommendation that the new gas PIPP payment level be implemented at the same time that the electric PIPP payment level was to be implemented.³⁰ Director Barbash specifically noted that:

If the Commission believes it is not possible to successfully implement the new gas PIPP rules in the same timeframe as the new electric PIPP rules, ODOD alternatively requests that the Commission, at a minimum, implement the proposed 6% PIPP payment for gas customers to be effective November 1, 2009. This timely alignment will *minimize customer confusion* and provide direct benefits to customers at a time when it is sorely needed.³¹

The arrearage crediting requirements in the new PIPP rules are significantly less complex than the current gas PIPP arrearage crediting requirements. The current

³⁰ Department of Development letter from Interim Director Barbash to the PUCO Commissioners, dated March 9, 2009.

³¹ Id. (emphasis added.). ODOD has recently refiled with the Joint Committee on Agency Rule Review (“JCARR”) establishing November 1, 2010 for implementation of the electric PIPP rules. The establishment of a new implementation date for electric PIPP by ODOD was subjected to even less public notice or input than that provided by the PUCO.

arrearage crediting programs for Columbia Gas of Ohio, Dominion East Ohio Gas, and Vectren require tracking of initial account balances and the crediting of one-third this balance after customers make twelve in-full and timely payments. After twenty-four months of timely payments, one-half the outstanding balance is credited. After thirty-six months of timely payments, the entire account balance is credited. There is no indication in the record of the case where this arrearage-crediting program was implemented that the gas companies either requested or needed extensive programming time to implement these changes.³²

The programming requirements of the PIPP rules are less complex. Instead of tracking three different arrearage balances (as Columbia, Vectren, and Dominion now do) the utilities need only provide a one-twenty-fourth credit for each month that payment is made on time. Requiring customers to wait another eighteen months to allow for the gas utilities to **eliminate** their programming complexity is unreasonable.

The Commission adopted the relatively complex, one-24th arrearage crediting plan over the objections of the Consumer Groups, which had proposed simpler alternatives. Surely, there is a more reasonable implementation alternative – sooner than November 2010¹ -- that would accommodate both PIPP customers' need for arrearage relief and the companies' need for time to re-program for the new arrearage crediting plan.

In any case, the key part of the arrearage crediting formula should be effective in November 2009, and be reflected on the companies' books, delaying only the

³² *In the Matter of the Commission's Review of Chapters 4901:1-17 (Establishment of Credit for Residential Utility Services) and 4901:1-18 (Disconnection of Natural Gas or Electric Service to Residential Customers) of the Ohio Administrative Code*, Case No. 03-888-AU-ORD, Stipulation, August 25, 2003.

requirement that the credits be calculated and appear on customers' bills. A concerted educational campaign by the Commission, the companies, and the Consumer Groups could encourage PIPP customers to pay on time and advise them of the benefits that will appear on the bills once the necessary technological changes have been made.

D. The PUCO Failed To Establish Benchmarks For The Utilities' Progress Toward Implementing The Rules Changes That Are Intended To Benefit Low-Income Ohioans And Failed To Require The Utilities To Publicly File Updates, To Be Served Upon All Parties, Until The Rules Are Fully Implemented.

In the Entry on Rehearing, the PUCO apparently recognized the need for additional oversight of the natural gas companies' efforts to implement the new rules:

Accordingly, we delay the effective date of our rules to allow time for the Commission to collaborate with ODOD, the utilities, and other stakeholders to address implementation issues such as coordination with the new electric PIPP program, technology issues, education and training, billing and collection practices, and performance measures and reporting requirements.³³

Unfortunately, neither the Entry on Rehearing nor the Entry of June 3, 2009 moving back the implementation date to November 1, 2010 establish a structure to review technology or implementation issues or to set forth performance measures and reporting requirements. Additional superfluous waiver requests and delays will likely be forthcoming unless a collaborative structure is established now.³⁴

The utilities should be required to file monthly progress reports with the Commission detailing the status of the programming efforts taking place, along with the costs of such programming efforts. The Commission Staff should also hold quarterly

³³ Entry on Rehearing at 41.

³⁴ Vectren Application for Rehearing at 7. Vectren stated that it could have some PIPP-related programming changes completed by the 4th quarter of 2010 *at the earliest*.

workshops for the parties to be updated on the status of the implementation of those measures that cannot be implemented immediately. Such informational workshops are contemplated by Ohio Adm. Code 4901-1-37 and are a necessity with the implementation of PIPP reform.

It is vital that cost data associated with the implementation efforts of the utilities be provided as programming and billing changes are accommodated. This cost data should be provided as it becomes available so that this rulemaking does not serve as a de facto rate case with an implication of pre-approval of programming costs. The Commission also has an obligation to assure that the companies do not use implementation of these rules as an excuse to make other, unrelated changes to their computer systems.

E. The PUCO Failed To Establish A Process For Ensuring Sufficiency Of Data From The Utilities And Scope For The Two-Year Review Of The Restructured PIPP Program That Is Intended To Benefit Low-Income Ohioans.

The Commission stated its plan to evaluate the restructured PIPP program after two years of accumulating data, or sooner if necessary, to determine if further adjustments are appropriate.³⁵ The scope of the evaluation is to include payment percentages and minimum payment requirements, an assessment of payment behavior, and cost impact of the program.³⁶ Notably absent is any intention by the Commission to evaluate the effectiveness of PIPP in helping customers maintain access to essential utility services, even though this is the real purpose of PIPP. Low-income Ohioans must

³⁵ Entry on Rehearing at 62.

³⁶ Id.

constantly make difficult choices in determining if their very limited financial resources are best applied on a monthly basis towards housing, food, medical costs, and other life essential services. All of the information in this case points to a conclusion that low-income customers are struggling to maintain utility services.

The reality is that hundreds of thousands of Ohioans depend on PIPP to retain gas and electric service. The Commission made some positive changes in PIPP by reducing the payment levels and requiring arrearage crediting; however, the devil is in the details.

There need to be clear objectives that are to be reviewed in two years and a deliberate path for achieving the necessary data to ensure meaningful analysis and reasoned conclusions of the data. Otherwise, the review could lead to unsubstantiated conclusions that may result in more negative consequences for low-income PIPP and other residential consumers.

The Consumer Groups outlined a series of principles in initial comments that broadly addressed the concerns for Ohioans being able to maintain utility services.³⁷ These broad principles (and others) should provide the foundation for the review in two years for how effective the modified credit and disconnection rules are in helping customers maintain service.

III. CONCLUSION

For the reasons discussed herein, the rules implementation date of November 1, 2010, should be modified in order to enable low-income natural gas PIPP customers to enjoy the benefits of PIPP reform as soon as possible. In addition, the implementation of

³⁷ Consumer Groups' Initial Comments (September 10, 2008) at 15.

non-PIPP rules and those rules that require little or no programming changes should take place immediately.

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Application for Rehearing of the Consumer Groups was served by first class United States Mail, postage prepaid, to the persons listed below, on this 6th day of July, 2009.

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Summary: App for Rehearing APPLICATION FOR REHEARING

BY

THE OFFICE OF THE OHIO CONSUMERS' COUNSEL,
CONSUMERS FOR FAIR UTILITY RATES, THE NEIGHBORHOOD ENVIRONMENTAL
COALITION, CLEVELAND HOUSING NETWORK, EMPOWERMENT CENTER OF
GREATER CLEVELAND, COMMUNITY ACTION PARTNERSHIP, MAY DUGAN MULTI-
PURPOSE CENTER, UNITED CLEVELANDERS AGAINST POVERTY, CITIZENS UNITED
FOR ACTION, CLEVELAND TENANTS' ASSOCIATION, HARCATUS TRI-COUNTY
COMMUNITY ACTION ORGANIZATION, ORGANIZE OHIO, PRO SENIORS, INC., THE
OHIO FARM BUREAU FEDERATION, THE OHIO POVERTY LAW CENTER, AND THE
EDGEMONT NEIGHBORHOOD COALITION

electronically filed by Ms. Deb J. Bingham on behalf of Reese, Richard C.