

FILE

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BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

2010 MAY 17 PM 5:04

In the Matter of the Application of Duke
Energy Ohio, Inc., for a Waiver from
Certain Provisions Of the Ohio
Administrative Code

Case No. 10-596-GA-W/R

FAX

INITIAL COMMENTS OF COMMUNITIES UNITED FOR ACTION (CUFA)

Communities United for Action (CUFA) is particularly attuned to the need for uniformity between the PUCO and ODOD rules because all of its constituents' households are served by Duke Energy, the state's only remaining combination company. Duke's gas and electric customers receive a single bill. Although Duke's bill clearly identifies consumption and charges for gas and electric, customers generally make a single payment, and the past due amount (including the PIPP arrearage and default amounts) is shown on the bill as a single figure. The company provides separate calculations for past due amounts (including PIPP arrearages) only on request, in accordance with Rule 4901:1-18-09.

CUFA supports Duke's waiver request. CUFA has reviewed and discussed with the respective parties draft comments of both OCC and OPAE and generally concurs with and joins those comments. Although there is an apparent divergence between OCC and OPAE as to the effect of waiving Rule 4901:1-18-12(D)(2), this seems more to reflect different interpretations of the rules rather than different positions as to the result.

CUFA's support of waiving Rule 4901-1-18-13(A)(1), which requires that PIPP customers have natural gas as the primary heat source, is rooted in our actual experience with low income Duke customers. The most typical problem occurs with an individual who has had a heating account and PIPP for a long time. Having accrued a substantial arrearage she moves to an apartment building where only the heat is master-metered. When the tenant seeks to reestablish her account at the new address, she is confronted by Duke's demand for the full arrearage. Although Duke has been known to spread payments out over as long as five years, those payments can still be

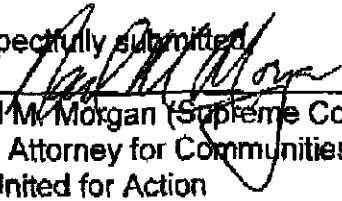
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unaffordable.

In a recent case, the PIPP customer was forced from her subsidized rental home by the owner's foreclosure. Her accrued PIPP arrearage for gas and electric charges approached \$25,000. Duke's calculation after splitting the combined bill was that the amount was about evenly divided between the two services, and the best arrangement Duke would offer for maintaining her electricity was monthly installments of \$329 plus current charges, to be paid from her monthly SSI check. Although this customer needed to continue electric rather than gas, it is not at all uncommon for buildings that are master-metered for heat to require the tenants to pay individual bills for cooking and hot water gas. While she would arguably qualify for arrearage crediting as a "graduate PIPP" customer (classified as one who "voluntarily" left PIPP) the logistics of making the transition from "active" to "graduate" in that scenario are far from clear. The better choice is Duke's proposed waiver, allowing the customer to remain on PIPP and then make a rational economic decision as to whether she would be better served by continuing on PIPP or moving into graduate status.

It is apparent from Duke's filing that the present waiver request is a result of consultation among three parties—Duke, PUCO and ODOD. Similarly apparent is the absence at that table of any of the consumer advocates who have contributed at every prior step of the agencies' simultaneous development of these rules. Duke has made a companion request of ODOD—asking to be relieved of compliance with several of its rules in favor of following the Commission's rules. We urge that the Commission facilitate one or meetings of all of the interested parties in hopes of settling on an appropriate set of rules for this unique, combination company.

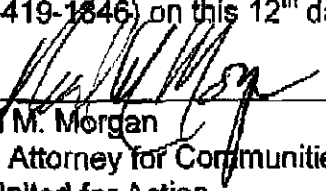
Respectfully submitted,



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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing pleading was served on Elizabeth H. Watts, 155 East Broad Street, 21st Floor, Columbus, OH 43215, by first class mail and Facsimile (513-419-1546) on this 12th day of May, 2010.



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