

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Commission's	)	
Review of Chapters 4901:1-17 and	)	Case No. 08-723-AU-ORD
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.	)	

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**AMENDED MOTION FOR WAIVER AND  
MEMORANDUM IN SUPPORT OF  
SOUTHEASTERN NATURAL GAS COMPANY**

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Southeastern Natural Gas Company (“Southeastern”, “the Applicant” or “the Company”), a public utility/small natural gas company, which serves approximately 1,469 customers in southeastern Ohio and has 17 PIPP customers, respectfully requests four waivers from the Commission’s recently adopted Chapters 4901:1-17 and 18 of the Ohio Administrative Code, which will go into effect on November 1, 2010. Specifically, (a) Southeastern requests a waiver from the arrearage crediting programs for both PIPP and Graduate PIPP customers and approval of an alternative to such programs; (b) a waiver from having to have any Graduate PIPP program; (c) a waiver from any bill format modifications that are required to implement the arrearage credit and Graduate PIPP rules; and (d) a formal waiver from having to file the Gas PIPP Report, Disconnect-Reconnect Deposit Report, Extended Payment Plan Success and Use of Medical Certificates Report, and Winter Reconnection Order Report. This amended motion supersedes the motion filed on March 24, 2010.

The reasons offered in support of these requested waivers are set forth in the accompanying memorandum in support. Good cause exists for granting each of these waivers and approving the proposed alternative to the arrearage crediting programs.

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**MEMORANDUM IN SUPPORT**

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On December 17, 2008, the Commission issued a Finding and Order adopting amended rules in Chapters 4901:1-17 and 4901:1-18, Ohio Administrative Code ("O.A.C."). These amended rules related to credit and collections, extended payment programs, and low-income payment programs, namely the percentage of income payment plan ("PIPP") program. On January 16, 2009, Eastern Natural Gas Company, Pike Natural Gas Company, and Southeastern Natural Gas Company filed an application for rehearing, along with other commenters such as Ohio Gas Company. In its April 1, 2009 Entry on Rehearing, the Commission stated at page 45:

As for small gas and natural gas utility companies, defined as those companies with less than 15,000 customers, the Commission will continue its long standing practice of not requiring them to offer the PIPP program. However, the Commission does expect those companies to continue to work with their customers to help the customer retain utility service, just as the companies do today.

The Commission believes that the mid-sized gas companies (fewer than 75,000 customers) like OGC should continue to offer PIPP. We recognize, however, that the new arrearage crediting and Graduate PIPP programs may present issues unique to the mid-sized companies, since they have relatively fewer PIPP customers and fewer non-PIPP customers over which to spread the costs of these new programs. Therefore, we are willing to consider a company specific request for a waiver of the arrearage crediting and Graduate PIPP programs where the cost to non-PIPP customers outweigh

the benefits and where an alternative proposal might meet the spirit of the rules. Thus, should OGC have a specific concern OGC should make a company specific request in a separate filing for our consideration.

On May 27, 2009, Ohio Gas Company filed a request for waivers from Rules 4901:1-14 and 4901:1-16 of the OAC as well as an exemption from bill format modifications that might be required to address the arrearage crediting and Graduate PIPP programs. On August 19, 2009, the Commission granted Ohio Gas Company's request for waiver of the arrearage crediting provisions of the PIPP program, as set forth in adopted rule 18-14 of the Entry and directed Ohio Gas to implement an alternative arrearage crediting plan for PIPP customers. The Commission also granted Ohio Gas's request for a waiver of the adopted Graduate PIPP program, as set forth in adopted Rule 18-16 of the Entry.

Southeastern, by this amended motion, respectfully asks that the Commission grant a waiver to it, similar to the Ohio Gas waiver, for the reasons set forth below.

**A. The Commission Should Waive the Required Arrearage Crediting Program and Instead Adopt Southeastern's Proposed Alternative.**

Adopted Rule 4901:1-18-14 sets forth among other things, the arrearage crediting program for PIPP and Graduate PIPP customers. This rule provides in part:

Rule 4901:1-18-14     **Incentive programs for percentage of income payment plan and graduate percentage of income payment plan customers.**

- (A) Percentage of income payment plan (PIPP) and graduate PIPP customers shall be provided the incentive of a reduction in their outstanding arrearages in return for making timely payments.
  - (1) PIPP customer. Each time the PIPP customer makes his/her required income-based payment or more, as determined pursuant to rule 4901:1-18-13 of the Administrative Code, to the gas or natural gas utility company by the due date, the gas or natural gas utility company shall reduce the customer's account arrearage by the difference between the amount of the required income-based payment and the current monthly bill plus one twenty-fourth of the customer's accumulated arrearages, as calculated at the time of

enrollment or in the event of late or missed payments, at the time of reverification.

- (2) Graduate PIPP customer. Each time the graduate PIPP customer makes his/her required payment or more, as determined pursuant to rule 4901:1-18-13 of the Administrative Code, to the gas or natural gas utility company by the due date, the gas or natural gas utility company shall reduce the customer's account arrearage by the difference between the amount of the required payment and the current monthly bill plus one-twelfth of the customer's accumulated arrearages, as calculated at the time of enrollment in the graduate PIPP program.

Southeastern has no information technology staff, but would have to make major information technology changes in order to comply with the arrearage crediting rules. Its billing program would need to be revised to calculate and store current monthly arrearage credit amounts on each PIPP customer record. Southeastern only has 17 PIPP customers. Southeastern's billing systems cannot be reprogrammed to apply the credit without manual intervention. The current arrearage crediting rules would mean that Southeastern would have to engage in a very expensive and time consuming overhaul of its billing system for approximately 17 PIPP customers per month. The Applicant's estimated time to overhaul and reprogram the billing system to achieve compliance is two and a half years. The programming would require use of computer consultants knowledgeable in both the RPG and Fortran programming languages and the VAX hardware used by the Applicant. Southeastern has been unsuccessful in locating firms or individuals with these skill sets for a project of this magnitude to provide a cost estimate. Given the complexity of such a project and the lack of consultants capable of completing the required tasks, the Applicant would expect that there would be an increased risk of cost and time estimate over-runs.

Southeastern proposes that, as an alternative to the PIPP arrearage crediting in adopted Rule 4901:1-18-14, it will manually calculate and apply to each PIPP customer's

account, once each year, a credit for timely payment. More specifically, Southeastern proposes that the PIPP customer would receive a credit if the customer:

- (a) Has been an active PIPP customer for the previous 12-month period, August 1 through July 31;
- (b) Has been an active PIPP customer on the same account during the August 1 through July 31 period; and
- (c) Has made at least nine timely payments during the 12-month period that equal the total amount due under the customer's PIPP program payment arrangement for the same 12-month period; and

If the customer meets the above criteria, Southeastern would propose to credit the same percent of the customer's arrearages as the percentage of the customer's PIPP payments the customer timely paid during the period. Southeastern recognizes that the initial program period is three months shorter than the time period of future periods. For the initial year of the new PIPP program, a customer that has made at least nine timely payments during the initial nine-month period (November 1, 2010 through July 31, 2011) and paid 100% of the required payments during the period would have 100% of the accumulated arrearages forgiven. A customer who has made seven timely payments (approximately 75% of the period) during the initial nine-month period and paid 100% of the required payments during the period would receive 75% of the accumulated arrearage forgiven.

In the second and succeeding years, a customer who made 12 timely payments and paid 100% of the required payments during that period would have 100% of the accumulated arrearages forgiven. A customer who made nine timely monthly payments during the twelve

month period and paid 100% of the required payments during that period would have 75% of the accumulated arrearages forgiven.

Southeastern proposes to manually determine, calculate and issue the arrearage credit only once each year after the end of the July billing period and would apply the total arrearage credit on the September monthly bill. It proposes to provide notice of the arrearage crediting program by a billing search to customers in June and July bills. Southeastern would implement the remaining provisions of the PIPP rules as adopted by the Commission, to be effective November 1, 2010.

Given the small size of Southeastern Natural Gas Company, the time it would take to implement the arrearage crediting provisions of the adopted PIPP program and the graduate PIPP program, and the number of Southeastern customers likely to benefit from the programs, the time consuming nature and resultant cost of implementing the adopted arrearage crediting and graduate PIPP program outweighs the benefits for the few, if any, customers eligible to receive such benefits. Good cause exists for granting the arrearage crediting waiver and directing the Applicant to implement its proposed alternative.

**B. The Commission Should Waive the Adopted Graduate PIPP Program Rules for Southeastern.**

Adopted Rule 4901:1-18-16(A) automatically places a PIPP customer in the Graduate PIPP program if the customer voluntarily terminates participation in the PIPP program or if the customer no longer qualifies for PIPP.

Adopted Rule 4901:1-18-16(G) provides:

- (G) The graduate PIPP customer shall be billed the average of his/her income-based PIPP payment and the customer's budget bill amount  $([\text{PIPP payment} + \text{budget bill amount}] \div 2)$  for the twelve billing cycles following enrollment in the program. The income-based payment shall be based on the income and household size immediately prior to the PIPP customer

becoming ineligible for PIPP or electing to terminate participation in PIPP. After twelve billing cycles, the graduate PIPP customer is no longer eligible for arrearage credits. Any remaining arrearage on the customer's account may become due and the customer placed on one of the extended payment plans in rule 4901:1-18-05 of the Administrative Code. If the arrearage remains on the customer's account and the customer fails to make extended payment arrangements, the gas or natural gas utility company may initiate disconnection procedures for failure to pay the remaining arrearage.

The payment for a customer in the Graduate PIPP program will be greater than the payment amount for a customer enrolled in the ordinary PIPP program under Rule 4901:1-18-13(A). Therefore, so long as a customer still qualifies for PIPP, the only incentive for the customer to voluntarily terminate enrollment in PIPP is to have the customer's arrearage more quickly diminished for on-time payments. See Rule 4901:1-18-14(A) of the OAC.

Southeastern submits that it is in the best interest of a customer who still qualifies for PIPP to remain on PIPP instead of going to the Graduate PIPP program. Southeastern has only 17 PIPP customers. The number of Southeastern customers who would voluntarily terminate their participation in the PIPP program in order to move to the Graduate PIPP program is likely to be very, very small, perhaps zero. Southeastern has had no PIPP customers who have voluntarily left the PIPP program and transferred to another program in the last twelve months. Southeastern respectfully suggests that very few Southeastern customers would actually utilize the Graduate PIPP program.

Implementing the Graduate PIPP program would also require extensive computer system changes to calculate Graduate PIPP customers' bills as well as to apply the arrearage crediting rules as they apply to Graduate PIPP customers. Southeastern serves only 1,469 customers and has a staff of 6 employees (5 full-time and 1 part-time of which only 1



works full-time in the office). Southeastern's current billing system does not maintain the data needed to correctly calculate Graduate PIPP customers' bills. Southeastern should not undertake the expense and effort to implement a program that might not be used by any customers.

Southeastern will continue to work with all of its customers, including those customers not eligible for the PIPP program or those who voluntarily terminate their participation in the PIPP program, to work out realistic and mutually agreeable payment arrangements. Those Graduate PIPP customers who might otherwise benefit from the adopted rules will still be provided a mechanism by which to retain their gas service while also paying their arrearages at a manageable pace.

Good cause exists for granting the waiver from having to maintain the Graduate PIPP program.

**C. The Commission Should Grant a Waiver from Any Bill Format Modifications That Are Required to Implement the Arrearage Credit and Graduate PIPP Rules.**

In order to comply with the arrearage crediting and Graduate PIPP provisions, it would be necessary to comprehensively revise Southeastern's entire billing system. Given the fact that there are very, very few customers, if any, who will benefit from the arrearage credit and Graduate PIPP programs, the Commission should waive the requirement of having to modify bills.

Furthermore, the Company recently completed a major bill reformatting, moving from a post card size bill to a letter size bill that provides substantially greater information to its customers (Case Nos. 09-1039/1040/1041-GA-UNC, Finding and Order 01/07/2010). Additional individual changes to line titles, such as adding the word "Plus" to "PIPP" on lines, is costly to a company of Southeastern's size. We estimate that to make what on the surface

appears to be a relatively simple change would cost approximately \$10,000. In order to make the change a programmer needs to be hired by the Company to determine if the line field in our system needs to be extended. If the field needs to be extended, the programmer would then need to determine if the field can be extended and, if so, program the extension. The firm that processes our currently new billings would need to make the modifications required to their program and then beta test the reprogramming to assure it works properly.

The Company believes that the addition of the word “Plus” to “PIPP” is a nuance which would be unnoticed by its customers. However, if the change had been contemplated during the review of the recent billing format filing, the Company assumes that it would have been able to make the necessary modifications for this future field expansion with substantially less cost since the change could have been bundled with the other changes being made, rather than making a single independent modification. The Company would offer that the next time modifications are made to its billing program and bill format, the change requested will be included.

**D. The Commission Should Formally Grant a Waiver From Southeastern Having to Prepare and File the Gas PIPP Report, Disconnect-Reconnect-Deposit Report, Extended Payment Plan Success and Use of Medical Certificates Report, and Winter Reconnection Order Report.**

The Gas PIPP Report, Disconnect-Reconnect-Deposit Report, Extended Payment Plan Success and Use of Medical Certificates Report, and Winter Reconnection Order Report (the “Reports”) include information about the percentage of income payment plan (PIPP) customers. In its April 1, 2009 Entry on Rehearing, the Commission directed its Staff to work with interested stakeholders to determine the appropriate information to be sought and the feasibility of obtaining it. Southeastern has only 17 PIPP customers. The Staff of the Commission has previously informally not required Southeastern to file the Reports because of

the cost and time of compiling the required data which would outweigh the benefits of the data for so few PIPP customers. Southeastern respectfully requests that the Commission grant a formal waiver from having to file the Reports. Good cause exists for granting this waiver.

**E. Conclusion**

Southeastern Natural Gas Company is a small natural gas company serving less than 1,500 customers and approximately 17 PIPP customers. The costs to non-PIPP customers far outweigh the benefits with respect to the arrearage crediting and Graduate PIPP program rules as applied to Southeastern Natural Gas Company. Very few Southeastern customers will benefit from the arrearage credit and Graduate PIPP programs. Instead, the Commission should approve the proposed alternative. Likewise, any requirement to revise Southeastern's entire billing system in order to comply with the arrearage crediting and Graduate PIPP provisions would not be cost justified. Finally, the Commission should formally waive the requirement that Southeastern must file the Gas PIPP Report, Disconnect-Reconnect-Deposit Report, Extended Payment Plan Success and Use of Medical Certificates Report, and Winter Reconnection Order Report. The granting of these waivers would be consistent with Governor Strickland's Executive Order entitled "Implementing Common Sense Business Regulation as well as the Regulatory Reform Task Force Report". Good cause exists for granting all four of the waivers requested by Southeastern Natural Gas Company and for approving Southeastern's proposed alternative to the PIPP arrearage crediting program.

Respectfully submitted,

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## **CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing Amended Motion for Waiver and Memorandum in Support was served upon the following parties of record by electronic mail where indicated or by U.S. first class mail this 3<sup>rd</sup> day of June, 2010.

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