

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

**In the Matter of the Amendment of  
Certain Rules of the Ohio  
Administrative Code to Implement  
Section 4911.021, Revised Code**

**Case No. 11-4910-AU-ORD**

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**COMMENTS OF OHIO EDISON COMPANY,  
THE CLEVELAND ELECTRIC ILLUMINATING COMPANY, AND  
THE TOLEDO EDISON COMPANY**

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Pursuant to the Commission's Entry of September 7, 2011, Ohio Edison Company ("Ohio Edison"), The Cleveland Electric Illuminating Company ("CEI"), and The Toledo Edison Company ("Toledo Edison") (collectively, the "Companies"), respectfully file their comments to Staff recommended amendments to rules contained in various chapters of the Ohio Administrative Code ("O.A.C.") that are required to implement R.C. §4911.021.

**I. INTRODUCTION**

On June 28, 2011, Governor Kasich signed Amended Substitute Bill 153 (Am. Sub. H.B. 153) which is the state's biennium budget bill. Included within Amended Substitute H.B. 153 was the adoption of a new provision, Section 4911.021, Revised Code. The new statute states that the Office of the Ohio Consumers' Counsel (OCC) "shall not operate a telephone call center for consumer complaints" and that "(a)ny calls received by the consumers' counsel concerning consumer complaints shall be forwarded to the public utilities commission call center."

## **II. FACTORS TO CONSIDER**

Pursuant to R.C. §119.032, the Commission must consider the following factors when it reviews the rules and determines whether the rules should be amended, rescinded or continued without change:

- (a) Whether the rules should be continued, without amendment, be amended or be rescinded, taking into consideration the purpose, scope and intent of the statute under which the rule was adopted;
- (b) Whether the rule needs amendment or rescission to give more flexibility at the local level;
- (c) Whether the rule needs amendment to eliminate unnecessary paperwork; and
- (d) Whether the rule duplicates, overlaps with, or conflicts with other rules.

Additionally, pursuant to the Governor's Executive Order 2011-01K, the Commission must:

- (a) Determine the impact that a rule has on small businesses;
- (b) Attempt to balance the critical objections of regulation and the cost of compliance by the regulated parties; and
- (c) Amend or rescind rules that are unnecessary, ineffective, contradictory, redundant, inefficient, or needlessly burdensome, or that have had negative unintended consequences, or unnecessarily impede business growth.

In presenting their comments to the proposed rules, the Companies will attempt to address those factors when appropriate.

## **III. COMMENTS TO THE PROPOSED AMENDMENTS**

Historically, Commission rules have required that OCC contact information be included on bills and elsewhere to inform residential customers that the OCC could be contacted for assistance with complaints. This was the purpose of the requirement. This purpose no longer exists. The Companies believe that the intent of the enactment of R.C.

§ 4911.021 was to redirect customer complaints from the OCC to the Commission.

Continuing to include similar OCC contact information on bills and elsewhere will serve to undermine the purpose and intent of R.C. § 4911.021 because it will lead residential customers to believe that they should continue to contact the OCC for assistance with complaints.

Staff recommended the same language change for all of their proposed amendments, whenever they appeared in the various rules.<sup>1</sup> Specifically, Staff amended the notice language that was required to appear in various bills or items to customers. Staff proposed to change the sentence from “Residential customers may also contact” the OCC “for assistance with complaints” to “The [OCC] represents residential utility customers in matters before the PUCO. The OCC can be contacted at 1-877-742-5622.....”

The Companies recommend that the Commission reject this amendment and instead eliminate any reference to the OCC in these notice provisions. First, R.C. § 4911.021 requires the OCC to eliminate its telephone contact center to handle complaints. By changing the sentence to read “the OCC represents residential utility matters in matters before the Commission,” the notice still reasonably indicates to customers that they can contact the OCC to handle complaints and any other matter without limitation. Such an approach could cause significant confusion among residential customers as they will still believe the OCC could assist them with complaints and will call the OCC seeking such assistance only to be transferred to the Commission. Second, by keeping the OCC’s contact information on these bills and notices, the OCC will continue to receive calls from customers expecting assistance with complaints, increasing, rather than

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<sup>1</sup> The Companies have focused upon O.A.C. 4901:1-10-12.

decreasing costs as the statute was intended to provide. Third, this portion of the notices is unnecessary given that the Commission's information remains on the bills and notices for customers who may need assistance.

A specific example of how such customer confusion will arise if the Staff-proposed language is adopted is O.A.C. 4901:1-10-12(A). This rule addresses only "procedures for complaints". Including OCC contact information in this rule is clearly at odds with R.C. §4911.021 and could reasonably cause a customer to call the OCC with a complaint. Second, because the OCC contact information has been included on the customer's bill in the past for the purpose of complaints, leaving the same OCC contact information on the bill, and simply removing the specific reference to "complaint," will not adequately advise customers that they should contact the Commission with a complaint. In fact, since the limiting language of "for assistance with complaints and utility issues" has been deleted from the rule, the proposed change could easily leave the customer with the impression that the purposes for contacting the OCC have been expanded rather than narrowed.

The Companies recommend that the phrase "Residential customers may also contact the Ohio Consumers' Counsel for assistance with complaints and utility issues at 1-877-742-5622 (toll free) from 8:00 a.m. to 5:00 p.m. weekdays, or at [www.pickocc.org](http://www.pickocc.org)." be eliminated in its entirety from rules O.A.C. 4901:1-10-12(A), 4901:1-10-22(B)(5), and 4901:1-10-33(C)(15). Amending these rules in this fashion will (i) comport with the intent of R.C. § 4911.021; (ii) better assure that the sought after cost savings will be realized; and (iii) will reduce customer confusion.

## V. CONCLUSION

The Companies thank the Commission and Staff for the opportunity to comment on the proposed amendments. The Companies urge the Commission to adopt the recommendations of the Companies set forth above.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

This document was filed electronically with the Commission's docketing division on September 21, 2011. Any commentators may access this filing using the Commission's DIS docketing division.

/s/ Carrie M. Dunn  
*One of the Attorneys for Ohio Edison  
Company, The Cleveland Electric  
Illuminating Company and The Toledo  
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Summary: Comments electronically filed by Ms. Carrie M Dunn on behalf of The Cleveland Electric Illuminating Company and Ohio Edison Company and The Toledo Edison Company