

In the Matter of the Amendment of)
 Certain Rules of the Ohio Administrative) Case No.11-4910-AU-ORD
 Code to Implement Section 4911.021,)
 Revised Code.)

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I. INTRODUCTION

1

The OCC, the Ohio Poverty Law Center, Edgemont Neighborhood Coalition, the Citizens Coalition and Ohio Partners for Affordable Energy (“OPAE”) (collectively “Consumer Parties”) individually and collectively reply here to the comments of Ohio Edison Company, the Cleveland Electric Illuminating Company and the Toledo Edison Company (collectively “FirstEnergy”) and Columbia Gas of Ohio, Inc. (“Columbia”) that propose to exclude OCC’s contact information from utility materials provided to Ohio customers. Also, the Consumer Parties will briefly address the comments of the Ohio Telecom Association (“OTA”) regarding the format for the placement of OCC’s contact information on utility materials provided to the public.

FirstEnergy’s and Columbia’s comments—that OCC’s contact information be removed from information provided to Ohioans—follow neither Commission precedent nor the public interest. It should be noted that only these two utilities out of all of the investor-owned public utilities operating in Ohio—submitted comments to deny Ohio customers information for contacting the OCC.

No public benefit would result if the PUCO were to withdraw its mandate that utilities include OCC’s contact information on customer bills, notices and other documents viewed by the public, as advocated by FirstEnergy and Columbia. As explained further below, the Commission should adopt the PUCO Staff’s proposed amendments because they are consistent with Ohio law and Commission precedent and are in the public interest.

II. LAW AND ARGUMENT

A. The PUCO Staff's proposed changes to the Commission's rules are supported by Commission precedent.

The Consumer Parties agree with the PUCO Staff's proposed changes to the Commission's rules in response to HB 153. The PUCO Staff's proposed changes in this proceeding are consistent with the Commission's amendments to its rules regarding OCC's contact information adopted in 2006 in response to HB 66.¹ And the PUCO Staff's proposed changes are consistent with the public interest now.

In support of FirstEnergy's position that the Commission should eliminate OCC's contact information from customer bills and other notices that are viewed by the public,² FirstEnergy states that "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."³ FirstEnergy is wrong.

As discussed previously, the PUCO Staff's proposed changes in this proceeding are consistent with the Commission's amendments to its rules regarding OCC's contact information adopted in 2006 in response to HB 66.⁴ Like HB 153, HB 66 prohibited the OCC from operating a telephone call center for consumer complaints. And in 2006, when the Commission amended its rules in response to HB 66, the Commission found it

¹ See *In the Matter of the Amendment of Certain Rules of the Ohio Adm. Code to Implement Sections 4905.261 and 4911.021, Revised Code*, PUCO Case No. 05-1350-AU-ORD, Opinion and Order and Entry on Rehearing (January 4, 2006).

² See FirstEnergy Comments at 3.

³ Id. at 2.

⁴ See *In the Matter of the Amendment of Certain Rules of the Ohio Adm. Code to Implement Sections 4905.261 and 4911.021, Revised Code*, PUCO Case No. 05-1350-AU-ORD, Opinion and Order and Entry on Rehearing (January 4, 2006) at 8.

appropriate to place OCC's contact information in the customer bill of rights and on residential customer bills and disconnection notices.⁵ Accordingly, the Commission should reject FirstEnergy's recommendations because they are based on a flawed analysis and are contrary to Commission precedent.

B. OCC's contact information must be included on residential customer bills and notices in order to comply with statutory mandates.

Throughout the transition to competitive choices for natural gas and electricity in the state, the Legislature has seen the wisdom and value in providing that OCC's contact information be made available to residential customers on bills and other materials. There is clearly recognition on the part of the Legislature that customers may need assistance from state agencies including the OCC to help inform customers about their utility bills and services.

R.C 4928.10(C)(4) and R.C. 4929.22(C)(4) mandate the minimum content of bills for electric and natural gas residential customers respectively with regard to providing customers with the telephone numbers(s) to call when they need assistance. These statutory requirements can be met when public utilities and other providers include both the PUCO's and OCC's contact information on customer bills. Customer bills that only contain the PUCO's contact information would not satisfy the intent of the Ohio General Assembly as codified in R.C 4928.10(C)(4) and R.C. 4929.22(C)(4) (which contain the same language) as illustrated below:

- (4) Statement of where and how payments may be made and provision of a toll-free or local customer assistance and complaint number for the electric utility, electric services company, electric cooperative, or government aggregator, as well as a customer assistance telephone number or numbers

⁵ See id.

for state agencies, such as the commission, the office of the consumers' counsel, and the attorney general's office, with the available hours noted

FirstEnergy and Columbia ignore the statutory authority granted to OCC.

Specifically, under R.C. 4911.02(B)(2)(b), the OCC has the discretion "to take appropriate action with respect to residential consumer complaints concerning quality of service, service charges, and the operation of the public utilities commission." The Commission has previously addressed the statutory duty of OCC in regards to residential customer complaints (as differentiated from complaint calls to a call center). In the 2006 case regarding HB 66 (which prohibited the OCC from operating a telephone call center for consumer complaints), the Commission recognized that residential customers seeking formal representation in a matter before the Commission may contact the OCC and concluded that it was appropriate to place OCC's contact information in the customer bill of rights and on disconnection notices.⁶

Furthermore, R.C. 4911.19 expressly authorizes OCC, on behalf of residential customers, to be a point of contact for customer inquiries with public utilities:

Any utility to which the consumers' counsel makes an inquiry on behalf of a residential customer concerning that customer's billing, or the availability, unavailability, or quality of that customer's service shall respond to the consumers' counsel on the merits of that inquiry within a reasonable time. If a definitive response cannot be made within three weeks of the making of the inquiry, the utility initially shall send an acknowledgment of receipt of the inquiry to the consumers' counsel and indicate the position of the utility concerning the nature of any investigation of the facts that it considers necessary to an ultimate response, and then, when it becomes possible to make a definitive response, shall respond to the consumers' counsel on the merits of the inquiry.

⁶See *In the Matter of the Amendment of Certain Rules of the Ohio Adm. Code to Implement Sections 4905.261 and 4911.021, Revised Code*, PUCO Case No. 05-1350-AU-ORD, Opinion and Order and Entry on Rehearing (January 4, 2006) at 8.

HB 153 did not impact this provision. R.C. 4911.19 requires utilities to respond to OCC inquiries and specifically sets forth examples such as for billing, availability and unavailability of service or quality of service issues. OCC will satisfy the statutory mandates of both R.C. 4911.021 and 4911.19 by directing any residential customers with complaints to the PUCO and by continuing to offer education and assistance to residential consumers who contact OCC.

Finally, as the OTA pointed out in their comments, Ohio law mandates that telephone companies include OCC's contact information on residential customer bills and disconnection notices.⁷ This requirement (R.C. 4927.17), which became effective on September 13, 2010, specifically requires a telephone company to include the OCC's toll-free number and e-mail address on all residential bills and disconnection notices. This recent legislative requirement emphasizes the importance of providing residential customers with OCC's contact information on important documents such as bills and disconnection notices so that they can understand that the OCC is their representative.

C. OCC's contact information should be included on bills and notices sent to residential customers to further OCC in fulfilling the duties and responsibilities of the office as enumerated in R.C. Chapter 4911.

If First Energy's and Columbia's recommendations to remove OCC's contact information from customer bills, notices and other materials were adopted, then customers' receipt of other services that OCC provides them would be impeded. For example, OCC routinely makes available educational materials for customers. These include information about the terms of utility services, competitive choices in natural gas, electric, and telephone services, explaining rates and charges on bills, utility consumer

⁷ See OTA Comments at 1 and R.C. 4927.17.

rights and responsibilities. If OCC's contact information is not readily accessible on customer bills and notices, then residential customers' ability to obtain the educational information that they seek will be compromised.

Also, OCC is able to better understand the concerns of Ohio utility customers; as a result of its communications with residential customers that contact OCC. These contacts can include matters regarding Ohio's utility laws and the PUCO's rules, changes that are occurring within the utility regulatory framework in the state, availability of public hearings and forums, and access to financial assistance resources, among a host of other topics.

Although Columbia supports the PUCO Staff's proposal to require OCC's contact information on customer bills of natural gas suppliers and governmental aggregators, Columbia opposes the PUCO Staff's proposal to include OCC's contact information, as amended by the PUCO Staff, on bills, notices of customer rights and disconnection notices sent to their customers.⁸ Columbia claims that "customer confusion" will result from including OCC's contact information, as amended by the PUCO Staff, on customer information, unless it is mandated by law.⁹

FirstEnergy also claims that any reference to the OCC contained in notices should be eliminated in order to avoid causing "significant confusion" among residential customers.¹⁰ At the outset, it is incredible to read that FirstEnergy and Columbia would make a case for protecting their residential customers from "confusion" by eliminating any reference to the OCC—the statutory advocate for residential utility customers—on

⁸ See Columbia Comments at 2.

⁹ See *id.*

¹⁰ See FirstEnergy Comments at 3.

customer bills and other notices. Furthermore, the Commission has already determined that its amendments adopted in 2006 under similar circumstances—to keep OCC’s contact information on the utility bills and notices—adequately addressed HB 66 and alleviated any potential consumer confusion.¹¹ Accordingly, the PUCO Staff’s proposed amendments accomplish the goals of adequately addressing the mandates of HB 153, while keeping OCC’s contact information on utility bills and notices in a manner that alleviates any customer confusion.

The removal of OCC’s contact information from customer bills and notices of customer rights, as advocated by FirstEnergy¹² and Columbia,¹³ is contrary to the interests of all residential utility customers. FirstEnergy and Columbia should welcome, not discourage, better-informed customers. The PUCO certainly has encouraged the better informing of Ohio customers. Accordingly, the Commission should adopt the proposals of the PUCO Staff because they alleviate customer confusion and further the statutory duties of the OCC.

D. The Commission should mandate that the placement of OCC’s contact information must immediately follow the placement of the PUCO’s contact information.

The Consumer Parties appreciate that OTA recognizes that Ohio law mandates that telephone companies include OCC’s contact information on residential customer bills and disconnection notices.¹⁴ But the Customer Parties disagree with OTA that

¹¹ See *In the Matter of the Amendment of Certain Rules of the Ohio Adm. Code to Implement Sections 4905.261 and 4911.021, Revised Code*, PUCO Case No. 05-1350-AU-ORD, Opinion and Order and Entry on Rehearing (January 4, 2006) at 15.

¹² See FirstEnergy Comments at 4.

¹³ See Columbia Comments at 2.

¹⁴ See R.C. 4927.17 and OTA Comments at 1.

“Placing the OCC’s information too closely to the Commission’s contact information has the potential to cause confusion and frustration ***.”¹⁵

Furthermore, the Commission should reject OTA’s recommendation that in order “[t]o avoid confusion and prevent customer frustration, companies should have the discretion to determine where the OCC information is placed on residential bills and disconnection notices.”¹⁶ The Customer Parties note that the location and placement of the OCC’s contact information along with the PUCO’s contact information has been subject to numerous rule-makings and almost a decade of experience. The location and placement of OCC’s contact information is an important customer protection issue that should be mandated by the Commission and not left to the discretion of each utility or company. If the placement of OCC’s contact information was left to the discretion of the utility or company as proposed by OTA, then customers would be confused and frustrated because there would be no consistency in where a residential customer could find OCC’s information on their utility bill or other notice.

The current placement of OCC’s contact information is appropriate given the statutory role and responsibilities of the OCC. Accordingly, the Commission should reject OTA’s request that the Commission give companies the discretion to determine where the OCC’s contact information is placed on residential bills and disconnection notices.¹⁷

¹⁵ See OTA Comments at 2.

¹⁶ Id.

¹⁷ See id.

III. CONCLUSION

In a time of significant increases in utility costs and complicated customer decisions regarding options for natural gas, electric and telephone service, customers need to be able to contact their statutory representative. Depriving customers of information that can help them make better-informed decisions serves no legitimate purpose. OCC's contact information, in the form recommended by the PUCO Staff, should continue to appear on bills, disconnection notices, notices of customer rights, and contract disclosures that are provided to Ohio residential customers. Providing customers with fewer resources is not in the public interest.

The Consumer Parties appreciate this opportunity provided by the Commission to reply to the comments submitted by other interested persons regarding the PUCO Staff's proposed changes to the Commission's rules in response to R.C. 4911.021. The Consumer Parties have reviewed the PUCO Staff's proposed changes and have concluded that, consistent with Commission precedent, the proposed amendments appropriately address the change in the law regarding OCC's role and, therefore; no further changes are needed.

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CERTIFICATE OF SERVICE

I hereby certify that a copy of these *Reply Comments* was served on the persons stated below *via* electronic service this 30th day of September 2011.

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