

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

**In the Matter of the Commission's)
Review of its Rules for the Estab-)
lishment of Credit for Residential)
Utility Services and the Disconnec-)
tion of Gas, Natural Gas, or Electric) Case No. 13-274-AU-ORD
Services to Residential Customers)
Contained in Chapters 4901:1-17 and)
4901:1-18 of the Ohio Administrative)
Code.)**

**REPLY COMMENTS OF
COLUMBIA GAS OF OHIO, INC.**

I. INTRODUCTION

By Entry dated June 11, 2013, the Commission proposed amendments to Ohio Adm. Code Chapters 4901:1-17 and 4901:1-18. Columbia Gas of Ohio, Inc. ("Columbia") and The East Ohio Gas Company d/b/a Dominion East Ohio ("DEO") filed their initial joint comments on those amendments on July 12, 2013. Columbia now files its responses to the other initial comments submitted in this matter on July 12, organized by their proposed rule number.

II. COMMENTS BY SECTION

A. Proposed Revision to Rule 4901:1-18-05

1. Subsection (B)

This section requires a utility company to advise a customer whose account is delinquent, or who desires to avoid a delinquency, of the availability of extended payment plans. There are currently three extended payment plans offered under this section, which include a one-sixth plan and a one-ninth plan, as

well as a one-third plan for the winter heating season. The Consumer Groups¹ propose that utility companies also be required to offer a one-twelfth (1/12) payment plan in addition to the three extended payment plans currently being offered.² The Consumer Groups also propose capping the amount that any customer must pay in addition to their regular monthly bill at \$50.00.³

Columbia believes that the three extended payment plans currently being offered to consumers, along with the PIPP Plus program, provide sufficient payment options that customers can reasonably expect to meet. Therefore, neither adding an additional payment plan nor capping the amount any customer must pay in addition to their regular monthly bill is necessary. Accordingly, Columbia recommends that the Commission reject the amendments proposed by the Consumer Groups.

B. Proposed Rule 4901:1-18-06

1. Subsection (D)(3)

This newly proposed section states that a “customer of record requesting termination of service will not be financially responsible for the utility service consumed from the date of move-out.” The Consumer Groups support this proposed change and further recommend adding a provision that would allow a utility company to require the customer to affirm in writing the date on which the customer vacated the premises.⁴

As expressed in its initial comments, Columbia is concerned that this rule does not require the customer either to provide advanced notice of the request for disconnection or to cooperate in ensuring that the utility gains appropriate access. As written, the rule would arguably relieve from financial responsibility a customer who provided little to no advance notice, refused to provide access, or both. Columbia does not believe that this rule provides customers with the appropriate incentives to ensure timely disconnection of service. On the contrary, it

¹ The Consumer Groups are: Advocates for Basic Legal Equality, Citizens Coalition, Coalition on Homelessness and Housing in Ohio, Legal Aid Society of Cleveland, Legal Aid Society of Columbus, Legal Aid Society of Southwest Ohio, Office of the Ohio Consumers’ Counsel, Ohio Partners for Affordable Energy, Ohio Association of Area Agencies on Aging, Ohio Association of Community Action Agencies, Ohio Association of Foodbanks, Ohio Poverty Law Center, Pro Seniors, Inc. and Southeastern Ohio Legal Services.

² Initial Comments by the Advocates for Basic Legal Equality et al. (“Consumer Groups’ Initial Comments”) at 39-40.

³ *Id.*

⁴ *Id.* at 42.

potentially penalizes either the utility or the landlord for customer inaction. The provision proposed by the Consumer Groups would not alleviate this concern.

Columbia recommends rejecting this newly proposed section and allowing this situation to continue to be covered by the utilities' tariffs. If the Commission does adopt this rule, Columbia recommends that the Commission revise it to add appropriate conditions, including timely request and provision of access by the customer.

2. Subsection (F)(1)

This newly proposed section would require utility companies to provide a copy of the relevant terms and conditions of a landlord reversion agreement to the landlord. In addition to this requirement, the Consumer Groups propose that utility companies also be required to notify the tenant that the utility company has such an agreement with the landlord.⁵ While Columbia supports the Commission's proposed requirement to provide a copy of the reversion agreement to the landlord, Columbia believes that it is unnecessary to also require utility companies to notify tenants that the utility has such an agreement with the landlord.

The reversion agreement allows the landlord to continue receiving gas service to the property under his or her name after the current customer of record notifies the utility company that they are vacating the premises. At the time the tenant vacates the premises, there is no tenant to notify about the reversion agreement. The gas service would remain in the landlord's name until the landlord requests to have it disconnected. If the landlord indicates that a tenant is going to remain on the property upon disconnection, the utility company would then supply the tenant with a ten (10) day notice in order to allow the tenant to transfer the gas service into his or her name. Therefore, it is not necessary to require utility companies to notify tenants about a reversion agreement with the landlord. Accordingly, Columbia recommends rejecting the Consumer Groups' proposal.

C. Proposed Revision to Rule 4901:1-18-08

1. Subsection (K)

This section addresses a situation in which the landlord customer voluntarily elects to terminate service when residential tenants reside at the premises. Utility companies are currently required to provide residential tenants with at

⁵ See Consumer Groups' Initial Comments at 43.

least a ten (10) day notice prior to disconnecting service. The Consumer Groups propose expanding the required notice period from ten (10) days to thirty (30) days.⁶ Columbia does not believe that expanding the required notice period is warranted.

The Consumer Groups' proposal assumes that the termination of service is by reason of eviction; however, that is not typically the case. For example, the landlord often elects to terminate service because a new residential tenant has agreed to pay for the utility service throughout the duration of their occupancy. The current ten (10) day notice period provides the residential tenant with sufficient time to place the utility service in his or her name. Expanding the notice period would increase the landlord's burden because he or she would be liable for all utility service consumed during the extended notice period. If the landlord is terminating service by reason of eviction, it is likely due to a breach of the lease agreement by the residential tenant. If that is the case, it would be unfair to increase the landlord's burden in order to allow the residential tenant sufficient time to relocate residences. Instead, the residential tenant should be on notice of the potential for an eviction from the time of the breach.

In short, Columbia does not support extending the notification period from ten (10) days to thirty (30) days. Accordingly, Columbia recommends rejecting the Consumer Groups' proposal.

D. Proposed Revision to Rule 4901:1-18-13

1. Subsection (A)(1)

The Consumer Groups propose that the Commission adopt the current PIPP Plus rule for electric, which allows for a temporary (180-day) waiver of the \$10 minimum PIPP Plus monthly payment for zero-income customers.⁷ Contrary to the Consumer Groups' initial comment on this section, the \$10 minimum payment has not proven to be an excessive burden for gas utility customers to pay. Therefore, Columbia believes that the \$10 minimum payment is reasonable. The rule as it is currently written also allows the customers to receive forgiveness from the start of their enrollment. Accordingly, Columbia recommends rejecting the Consumer Groups' proposal.

⁶ See Consumer Groups' Initial Comments at 45.

⁷ *Id.* at 12-19.

E. Proposed Revision to Rule 4901:1-18-16

1. Subsection (G)

Graduate PIPP Plus is available to customers who become ineligible for PIPP Plus due to an increase in income. This plan is currently available for “twelve billing cycles following enrollment in the program.” The Consumer Groups propose that the Commission amends this section to increase the availability of the Graduate PIPP Plus program from twelve (12) months to eighteen (18) months after the customer is no longer eligible for PIPP Plus.⁸ Columbia supports the current twelve (12) month duration of the Graduate PIPP Plus program. Increasing the duration of the program from twelve (12) to eighteen (18) months would allow customers that have exceeded the income qualification to extend the time of forgiveness. This would increase the rate payers’ burden and would reduce the customer’s responsibility for his or her usage. Accordingly, Columbia recommends rejecting the Consumer Groups’ proposal.

Respectfully submitted by
COLUMBIA GAS OF OHIO, INC.

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⁸ See Consumer Groups’ Initial Comments at 22-23.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Reply Comments of Columbia Gas of Ohio, Inc. was served by electronic mail upon the parties in the Service List below this 2nd day of August, 2013.

/s/ Stephen B. Seiple

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Summary: Reply Comments electronically filed by Cheryl A MacDonald on behalf of Columbia Gas of Ohio, Inc.