

In the Matter of the Application of )  
Ohio Power Company for a Limited ) Case No. 13-1938-EL-WVR  
Waiver of Rule 4901:1-18-06(A)(2), Ohio )  
Administrative Code. )

In this case where Ohio Power Company (“OP”) seeks the authority to shut off electric service to Ohioans’ homes by remote control, the Appalachian Peace and Justice Network, the Office of the Ohio Consumers’ Counsel, and Ohio Partners for Affordable Energy (collectively, “Consumer Advocates”) offer comments on OP’s letter docketed on September 5, 2014. In its letter, OP amended its application for a waiver of the rules of the Public Utilities Commission of Ohio (“PUCO”) regarding disconnection of electrical service to residential customers. But because of the letter, the nature of OP’s waiver request is now unclear. The PUCO should require OP to refile an application that clearly explains, in one document, the waiver OP now seeks.

Ohio Adm. Code 4901:1-18-06(A)(2) requires utilities to provide a customer (or adult consumer at the residence) with personal notice of a disconnection on the day service is to be disconnected. If neither the customer nor an adult consumer is at home, the utility is required to attach a written notice to the premises in a conspicuous location prior to disconnecting service.

In the initial application, filed on September 13, 2013, OP requested a waiver of the rule. Instead of personal notice on the day service is to be disconnected, as required

by the PUCO's rules, OP proposed that customers would receive notice by mail and/or by phone, with the last notice occurring 48 hours before disconnection.<sup>1</sup> The requested waiver would affect those OP customers whose residence is equipped with an advanced meter, also called a "smart meter."

In the letter filed by OP on September 5<sup>th</sup>, OP amended the request. OP now characterizes the waiver request as a "pilot" would deny existing consumer protections only for those customers in the gridSMART Phase I area and adds additional provisions to the waiver request.

Consumer Advocates request that the PUCO require OP to file an amended application in the docket. When comparing the initial application with the letter requesting amendments to the application, it is simply not possible to ascertain what the amended waiver request involves. The application seems to have morphed from a permanent waiver of existing consumer protections in 4901:1-18-06(A)(2) for customers whose homes have a smart meter, into a two-year pilot program eliminating the same consumer protections for customers in the gridSMART Phase I area.

The amendment also appears to modify some of the specific terms of the initial proposal. In the letter, OP states that it will aim to remotely disconnect service "at or around 10:00am [sic]" and that "[t]his time will be communicated to customers." But the letter does not explain when or how the time will be communicated to customers. In addition, OP now proposes to provide unspecified data to the PUCO Staff – but not the intervenors – to analyze the effect of the pilot. OP should identify the metrics it proposes to use and the data that will be collected to assess the pilot. In addition, OP should make that data available to intervenors, either directly or by filing the information in the docket for this proceeding.

---

<sup>1</sup> See Application (September 13, 2013) at 5-6.

It is unclear what OP is asking the PUCO to waive and what procedure OP will follow in the event a waiver of the consumer protections inherent in 4901:1-18-06(A)(2) is granted. A clarification, in the form of a revised application, would allow the public to know exactly what OP is requesting. It would also permit the intervenors to conduct appropriate discovery so comments can be drafted and filed.

The PUCO should require OP to file an amended waiver request. In addition, the PUCO should establish a procedural schedule which includes the opportunity to conduct discovery and file comments and reply comments. The PUCO should also consider holding a hearing on the amended application.

Consumer Advocates also note that while OP is seeking to limit the application of the waiver to fewer customers, the disconnect rules protect the rights of all individual customers. Reducing the number of customers who would have their rights eroded does not change the fact that a diminution in the consumer protections will still affect many individual families. For these reasons, the Consumer Advocates remain opposed to waiving the rights contained in 4901:1-18-06(A)(2) for any OP customers.

Respectfully submitted,

/s/ Michael R. Smalz (per authorization)  
Michael R. Smalz  
Ohio Poverty Law Center  
555 Buttles Avenue  
Columbus, Ohio 43215  
Telephone: 614-221-7201  
[msmalz@ohiopovertylaw.org](mailto:msmalz@ohiopovertylaw.org)

**On Behalf of the Appalachian Peace and Justice  
Network**

BRUCE J. WESTON  
OHIO CONSUMERS' COUNSEL

/s/ Terry L. Etter

Terry L. Etter, Counsel of Record

Michael J. Schuler

Assistant Consumers' Counsel

**Office of the Ohio Consumers' Counsel**

10 West Broad Street, Suite 1800

Columbus, Ohio 43215-3485

Telephone: (614) 466-7964 (Etter direct)

Telephone: (614) 466-9547 (Schuler direct)

[Terry.etter@occ.ohio.gov](mailto:Terry.etter@occ.ohio.gov)

[michael.schuler@occ.ohio.gov](mailto:michael.schuler@occ.ohio.gov)

/s/ Colleen L. Mooney (per authorization)

Colleen L. Mooney

**Ohio Partners for Affordable Energy**

231 West Lima Street

Findlay, Ohio 45840

Telephone: (419) 425-8860

Or (614) 488-5739

[cmooney@ohiopartners.org](mailto:cmooney@ohiopartners.org)

## **CERTIFICATE OF SERVICE**

I hereby certify that a copy of these Comments on the Amended Waiver Request was served on the persons stated below via electronic transmission this 22<sup>nd</sup> day of September 2014.

/s/ Terry L. Etter  
Terry L. Etter  
Assistant Consumers' Counsel

## **SERVICE LIST**

William Wright  
Attorney General's Office  
Public Utilities Commission of Ohio  
180 East Broad St., 6<sup>th</sup> Fl.  
Columbus, Ohio 43215  
[William.wright@puc.state.oh.us](mailto:William.wright@puc.state.oh.us)

Steven T. Nourse  
Yazen Alami  
American Electric Power Corp.  
1 Riverside Plaza, 29<sup>th</sup> Floor  
Columbus, Ohio 43215-2373  
[stnourse@aep.com](mailto:stnourse@aep.com)  
[yalami@aep.com](mailto:yalami@aep.com)

Attorney Examiners:

[Sarah.parrot@puc.state.oh.us](mailto:Sarah.parrot@puc.state.oh.us)  
[Jonathan.tauber@puc.state.oh.us](mailto:Jonathan.tauber@puc.state.oh.us)

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**9/22/2014 5:12:30 PM**

**in**

**Case No(s). 13-1938-EL-WVR**

Summary: Comments Comments on Ohio Power's Amended Waiver Request to Allow Disconnection of its Ohio Residential Customers' Electric Service By Remote Control by The Appalachian Peace and Justice Network, the Office of the Ohio Consumers' Counsel and Ohio Partners for Affordable Energy electronically filed by Ms. Deb J. Bingham on behalf of Etter, Terry L.