

**BEFORE THE  
PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of )  
Duke Energy Ohio, Inc. for a ) Case No. 16-1096-EL-WVR  
Waiver. )

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**AMENDED APPLICATION FOR WAIVER BY  
DUKE ENERGY OHIO, INC.**

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**Introduction**

On May 13, 2016, Duke Energy Ohio, Inc., (Duke Energy Ohio or Company) filed an Application for a Waiver of one Public Utilities Commission of Ohio (Commission) regulation regarding the disconnection of residential service for nonpayment (Application)<sup>1</sup>. Since the filing of that Application, various parties have sought to intervene and have offered comments on the Company's proposal. Specifically, comments were filed by the Office of Ohio Consumers' Counsel and, collectively, Communities United for Action and Pro Seniors.<sup>2</sup> Duke Energy Ohio has replied to these comments.<sup>3</sup> Additionally, Duke Energy Ohio has responded to the reply filed by Ohio Partners for Affordable Energy.<sup>4</sup>

Notwithstanding its filings that address the concerns raised by intervenors, Duke Energy Ohio submits here an Amended Application, incorporating measures not included in its initial Application. These measures serve either as an addition to, or a modification of, the Company's

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<sup>1</sup> Application for Waiver by Duke Energy Ohio, Inc. (Application)(May 13, 2016).

<sup>2</sup> Motion to Intervene and Objections by the Office of the Ohio Consumers' Counsel (June 17, 2016) and Joint Objections of Communities United for Action and Pro Seniors (June 29, 2016).

<sup>3</sup> Reply of Duke Energy Ohio, Inc., to the Office of the Ohio Consumers' Counsel (June 29, 2016) and Duke Energy Ohio's Reply to the Objections of the Communities United for Action and Pro Seniors (July 7, 2016).

<sup>4</sup> Reply of Duke Energy Ohio, Inc., to the Ohio Partners for Affordable Energy's Motion to Dismiss (June 9, 2016).

initial request for waiver, the contents of said Application which are incorporated by reference and fully restated herein.

1. Duke Energy Ohio has proposed, in its Application, to substitute the day-of-disconnection premises visit required under O.A.C. 4901:1-18-06(A)(2) with alternate forms of notification. These alternate forms include attempting to contact residential customers, on the day of the scheduled disconnection, with a text and/or telephone message initiated beginning at 8 a.m.<sup>5</sup> As an additional measure, Duke Energy Ohio proposes sending the final notice, as required under O.A.C. 4901:1-18-06(B), throughout the year and not just relative to the winter heating season.<sup>6</sup>

2. Duke Energy Ohio states that the use of a text and/or telephone message on the day of the scheduled disconnection has been successful in reducing the number of disconnections actually completed. Indeed, for the period during which this practice has been used,<sup>7</sup> the Company has seen a significant increase in the number of disconnection-for-nonpayment work orders canceled on the scheduled disconnection date. Of such cancelations now, almost 50 percent have occurred between the hours of 8 a.m. and 10 a.m. In contrast, before the use of a text and/or telephone message, less than 20 percent of the disconnection-for-nonpayment work orders were canceled, on the scheduled disconnection date, between 8 a.m. and 10 a.m. Given the very low percentage of time during which actual contact is made during the premises visit,<sup>8</sup> the Company submits that automated text and/or telephone messages are received and

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<sup>5</sup> Application, at pp. 5-6.

<sup>6</sup> *Id.*, at pg. 6.

<sup>7</sup> Although Duke Energy Ohio continues to dispatch a premises worker on the scheduled day of disconnection, it recently employed the use of automated messages on that same day.

<sup>8</sup> Reply of Duke Energy Ohio, Inc., to the Office of the Ohio Consumers' Counsel, at pg. 3 (June 29, 2016) and Duke Energy Ohio's Reply to the Objections of the Communities United for Action and Pro Seniors, at pg. 4 (July 7, 2016).

acknowledged by customers. Further, they are a demonstrated, effective way for customers to avoid disconnection.

3. Notwithstanding the effectiveness of an attempted text or telephonic contact on the day of the scheduled disconnection, in addition to the notifications proposed in its Application, Duke Energy Ohio proposes to also attempt to contact a residential electric customer via a text and/or telephone message two business days prior to the date on which that customer's account is scheduled for disconnection for nonpayment. Duke Energy Ohio submits that its Application included appropriate measures to allow residential customers sufficient opportunity to avoid a disconnection for nonpayment. However, this additional notification provides yet another opportunity for such residential customers to avoid disconnection and thus confirms the reasonableness of the Company's request.

4. In increasing the number of attempted contacts, Duke Energy Ohio recognizes that the data it initially proposed to collect should be modified. Such modification will supplement, and not detract from, Commission Staff's ability to evaluate and confirm the effectiveness of the waiver request. In this regard, in addition to the data set forth in its Application,<sup>9</sup> the Company proposes to collect the following during the term of the pilot:

- a. At the account level, the total number of residential disconnection for nonpayment notices sent.
- b. The total number of residential electric customers disconnected for nonpayment.
- c. The number of successful automated telephone calls, where such calls are made two business days prior to and on the day of the scheduled

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<sup>9</sup> Application, at pg. 8.

disconnection. By successful, the Company means those telephone calls during which contact is made.

- d. The number of automated telephone calls retrieved by an answering machine, where such calls are made two business days prior to and on the day of the scheduled disconnection.
- e. The number of unsuccessful automated telephone calls, where such calls are made two business days prior to or on the day of the scheduled disconnection. By unsuccessful, the Company means those telephone calls for which the recipient either hung up the telephone or was not identified as the customer of record.
- f. The number of remote, residential disconnections for nonpayment.
- g. The number of remote, residential disconnections for nonpayment that failed.
- h. The number of remote, residential reconnections.
- i. The number of remote, residential reconnections that failed.

5. Duke Energy Ohio proposes, in this Amended Application, to submit the collected data to Commission Staff at monthly intervals. Specifically, data accumulated over a month's time will be submitted by the fifteen day of the subsequent month. Duke Energy Ohio further observes that this submission will enable Commission Staff to evaluate the effectiveness of the alternate notification methods and, by extension, the pilot. Commission Staff will also be positioned to determine, in its sole discretion, parameters for the subsequent exchange of data relative to its recommendations as to the continuation of the waiver.

6. In its Application, Duke Energy Ohio proposed a three-year pilot. In response to the comments or concerns of intervenors, the Company revises its proposal to reflect a two-year term. The Company reiterates its proposal that, at the conclusion of this two-year period, the pilot continue until such time as Commission Staff concludes its evaluation and makes a recommendation regarding the waiver's extension that is addressed by the Commission, unless the Commission issues an order instructing Duke Energy Ohio to terminate the pilot.

7. Duke Energy Ohio states that, pursuant to a Commission-approved tariff, it can assess a charge for reconnections occurring after normal business hours that differs from the charge assessed during normal business hours. The Company does not currently charge the higher, after-hours reconnection charge in those circumstances where such higher charge is authorized. This practice will continue during the term of the pilot for those residential customers in the pilot who are disconnected for nonpayment.

### **Conclusion**

The Company's waiver request, as detailed in its Application and in this Amended Application, is in the public interest and should be approved. Under the waiver, Duke Energy Ohio will substitute one form of attempted contact on the scheduled day of disconnection with other forms of communication. In addition, under the waiver, Duke Energy Ohio will send a final notice to residential customers year-round, thereby providing more notifications than required under existing regulation. The waiver request incorporates appropriate customer protections and the Company's proposal enables a final means by which to avoid disconnection. It is a waiver that is narrow in scope and properly aligns the interests of the Company and all of its residential customers. For the reasons stated above and in its Application, Duke Energy Ohio respectfully requests a waiver of O.A.C 4901:1-18-06(A)(2).

Respectfully submitted,

DUKE ENERGY OHIO, INC.



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**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing was delivered by U.S. mail (postage prepaid), personal delivery, or electronic mail, on this 22<sup>nd</sup> day of July 2016, to the following parties.

  
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Summary: Amended Application Amended Application for Waiver by Duke Energy Ohio, Inc. electronically filed by Dianne Kuhnell on behalf of Duke Energy Ohio, Inc. and Spiller, Amy B. and Watts, Elizabeth H.