

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of the :
Commission's Investigation of the : Case No. 17-2089-GE-COI
Disconnection Practices and Policies of :
Duke Energy Ohio, Inc. :

JOINT STIPULATION AND RECOMMENDATION

Ohio Administrative Code ("Ohio Adm. Code") 4901-1-30 provides that any two or more parties to a proceeding may enter into a written stipulation covering some or all of the issues presented in the proceeding. The purpose of this document is to set forth the understanding and agreement of Duke Energy of Ohio (the "Company" or "Duke"), the Staff of the Public Utilities Commission of Ohio ("Staff"),¹ the Office of the Ohio Consumers' Counsel ("OCC"), and the City of Cincinnati, and Communities United for Action ("CUFA") (collectively, the "Signatory Parties" or "Parties"), and recommend that the Public Utilities Commission of Ohio ("Commission") approve and adopt the Joint Stipulation and Recommendations ("Stipulation"), resolving all of the issues in this proceeding.²

¹ Pursuant to Ohio Adm. Code 4901-1-1-(C) and 4901-1-30, Staff is deemed a party for purposes of entering into this Stipulation.

² Ohio Partners for Affordable Energy will not sign but does not oppose this Stipulation and will file a separate letter in this case with the Commission's docketing division explaining its position.

Based upon the Signatory Parties' participation in settlement discussions and the materials on file with the Commission, which includes the Compliance Audit and Review of the Disconnection Practices and Policies of Duke Energy Ohio, Inc. ("Audit") prepared by NorthStar Consulting Group ("NorthStar") and docketed on March 14, 2018, the Signatory Parties believe that these materials and the record in this case adequately support this Joint Stipulation.

The Signatory Parties agree that this Stipulation is supported by adequate data and information; represents a just and reasonable resolution of the issues raised in this proceeding; violates no regulatory principle or precedent; as a package, benefits customers and the public interest; and is the product of serious bargaining among knowledgeable and capable parties to resolve this issue. While the Stipulation is not binding on the Commission, the Parties submit that it is entitled to careful consideration by the Commission.

The Signatory Parties stipulate, agree and recommend that the Commission make the following findings and issue its Opinion and Order in this case approving this Stipulation in accordance with the following:

1. In order to more prominently display the customer rights and obligations on the Company website, Duke Energy Ohio agrees to modify its website to provide a more noticeable link to the customer rights and responsibilities, and ensure that the customer rights and responsibilities can be located by the search engine. Audit III-5, Rec. 2.

2. When a bill insert contains information related to several different topics, for example, customer medical certification and late payment charges, the topics for the information must not be co-mingled. Duke Energy Ohio agrees to make the topics more distinguishable and separately identify each different subject. Audit III-5, Rec. 3.
3. The audit identified that disconnection notifications to customers were shortened because the timeline did not take holidays into account. Duke Energy Ohio agrees to implement a new procedure where the holiday is not counted and the holiday dates are manually checked at the beginning of each calendar year by two Company employees. An internal audit will occur yearly. Audit III-14, Rec. 2.
4. Duke Energy Ohio will continue with its current process for residential customers. The electric service will be disconnected first, unless the customer chooses to separate gas and electric services and opts to retain electric service, then 10 days later the gas service will be disconnected. When Duke Energy Ohio runs into access issues, it will attempt multiple times to disconnect the gas service over three (3) months. If it cannot get the service disconnected in three (3) months it will suspend collections putting the customer back down the credit timeline, receiving a new 10-day notice. Duke agrees to inform residential customers with combination electric and gas utility service about the option to separate their gas or electric to maintain one utility. Combination electric and gas utility service customers will be informed through bill messages and customer service representatives' scripts. In addition, prior to the winter heating season starting, Duke Energy Ohio will cancel any

disconnect order that is not completed prior to October 30th to allow the customer to go back down the credit timeline, and to ensure the customer receives an additional 10-day notice during the winter season. Audit III-14, Rec. 3.

5. Duke Energy Ohio will work with its call center leadership to ensure that manual changes, such as payment extensions, medical certificates, or appointments with community action agencies, do not interrupt the automated text or phone notifications prior to disconnections of customers. Duke Energy Ohio identified and reviewed accounts where manual changes were made and determined that by allowing a customer additional time before disconnection, the system was taking the customers out of the credit timeline bypassing the master meter and landlord notify triggers. Once this was discovered, Duke Energy Ohio stopped Call Center Operations from manually extending disconnection dates. Going forward, on a case by case basis Duke Energy Ohio will cancel the disconnect order to allow the customer to go back down the credit timeline and receive all required notices. Audit III-14, Rec. 4.
6. Duke Energy Ohio will clarify language on the disconnection notices to remind customers that they must call the Company to use the Winter Reconnect Order and make acceptable payment arrangements. Audit III-14, Rec. 4 (Attachment A). Duke Energy Ohio will make additional changes to the 10-day final notice as follows:
 - a. Remove “or more” under Avoiding Disconnection (Summer and Winter)
 - i. Update with next paper re-stock
 - b. Add “notice” date in first paragraph. (Summer and Winter)
 - i. Update with next paper re-stock
 - c. Add “remaining amount due” under Winter Rule (Winter)

- i. Update next winter
 - d. Change “Medical Emergency” to “Medical Certificate” (Pink Insert)
 - i. Update with next paper re-stock
- 7. In addition to a 10-day Final Notice, Duke Energy Ohio will attempt to send notification via phone or text (two (2) days prior and day of disconnection) informing customers who face disconnection and who hold a medical certificate that they are eligible for disconnection. Audit III-15, Rec.7.
- 8. Duke Energy Ohio agrees to add information to its welcome packet regarding active military customers and their rights as they relate to paying Duke Energy’s utility bills. Duke Energy Ohio will continue to add an account note and protect active military customers from delinquency. Audit III-15, Rec. 8.
- 9. Duke Energy Ohio agrees to modify the 14-day disconnection notice to draw the customer’s attention to the disconnection notice and the minimum amount required for the customer to avoid disconnection on the bill. The Company agrees to modify language on the 14-day disconnection notice to customers to more clearly educate customers on the ability to separate services to prevent disconnection of at least one service. Audit III-30, Rec. 2.
- 10. Duke Energy Ohio will continue to train call center personnel to provide customers with the option of separating service, the past due amounts for both gas and electric service, and the extended payment plan amounts if the customer is considering separation of service. Duke Energy Ohio agrees to remove “agreements” from Separation of Service source training documents. Duke Energy Ohio further agrees to reorganize agreement plans in the Duke Energy Ohio Programs Source training

document to put winter heating season payment plans with other agreement plans.
Audit III-30, Rec. 3.

11. Duke Energy Ohio agrees to modify its 10-day disconnection notice to include the amount that the customer must pay to avoid disconnection without referring to a prior bill. The 10-day disconnection notice shall also include information on payment assistance and weatherization. Audit III-30, Rec. 5.
12. Duke Energy Ohio agrees to update call center procedures so that customer service representatives offer customers all payment agreements, including, but not limited to customer-negotiated agreements. Audit III-37, Rec. 1.
13. Staff will perform an audit within 24 months from the date of the Order approving this Stipulation to determine if Duke is in compliance with the terms of this Stipulation and the disconnection requirements of Ohio Adm. Code 4901:1-18. The results of the audit will be publicly filed in this docket.
14. Duke agrees to share with all Signatory Parties all revisions to materials noted in this Stipulation.

ADDITIONAL TERMS AND CONDITIONS

15. This Stipulation is expressly conditioned upon the Commission's adoption and approval of the Stipulation in its entirety, without material modification. Each Signatory Party has the right, in its sole discretion, to determine whether the Commission's approval of this Settlement contains a material modification.

16. If the Commission rejects or materially modifies all or any part of this Stipulation, any Signatory Party shall have the right, within 30 days of issuance of the Commission's Order, to apply for rehearing or to terminate and withdraw from the Stipulation by filing a notice with the Commission in this proceeding ("Notice of Withdrawal") and serving all Signatory Parties. If the Commission does not adopt the Stipulation without material modification upon rehearing, or if the Commission makes a material modification to any Order adopting the Stipulation pursuant to any reversal, vacation and/or remand by the Supreme Court of Ohio, then within thirty (30) days of the Commission's Entry on Rehearing or Order on Remand any Signatory Party may withdraw from the Stipulation by filing a Notice of Withdrawal with the Commission.
17. No Signatory Party shall file a Notice of Withdrawal without first negotiating in good faith with the other Signatory Parties to achieve an outcome that substantially satisfies the intent of the Stipulation. If a new agreement achieves such an outcome, the Signatory Parties will file the new agreement for Commission review and approval. If the discussions to achieve an outcome that substantially satisfies the intent of the Stipulation are unsuccessful, and a Signatory Party files a Notice of Withdrawal, then the Commission will convene an evidentiary hearing to afford that Signatory Party the opportunity to contest the Stipulation by presenting evidence through witnesses, to cross examine witnesses, to present rebuttal testimony, and to brief all issues that the Commission shall decide based upon the record and briefs. If the discussions to achieve an outcome that substantially satisfies the intent of the

Stipulation are successful, then some or all of the Signatory Parties shall submit the amended Stipulation to the Commission for approval after a hearing if necessary.

18. The Signatory Parties urge the Commission to accept and approve the terms hereof as promptly as possible.
19. This Stipulation is entered into as an overall compromise and resolution of all of the issues presented in this proceeding. This Stipulation does not necessarily represent the position any Signatory Party would have taken absent the execution of this Stipulation. This Stipulation shall not be cited as precedent in any future proceeding for or against any Signatory Party, if the Commission approves the Stipulation without material modification, except to enforce the terms of the Stipulation.
20. Except as otherwise specified in this Stipulation, the Signatory Parties urge the Commission not to construe or apply any specific element or item contained in or supporting the Stipulation as the results that any Signatory Party might support or seek had the Signatory Parties not reached this Stipulation.

CONCLUSION

The Signatory Parties stipulate, agree, and recommend that the Commission issue a final Opinion and Order in this proceeding adopting this Stipulation without modification.

AGREED TO THIS 6th DAY OF JUNE, 2019.

DUKE ENERGY OHIO, INC.

By: /s/ Elizabeth H. Watts (per email authority)

Elizabeth H. Watts, Associate General Counsel

STAFF OF THE PUBLIC UTILITIES

COMMISSION OF OHIO

By: /s/ Jodi J. Bair

Jodi J. Bair, Assistant Attorney General

OFFICE OF THE OHIO CONSUMERS' COUNSEL

By: /s/ Terry Etter (per email authority)

Terry Etter, Assistant Consumers' Counsel

THE CITY OF CINCINNATI

By: /s/ Erica E. Faaborg (per email authority)

Erica E. Faaborg

COMMUNITIES UNITED FOR ACTION

By: /s/ Ashley Richardson Butler (per email authority)

Ashley Richardson Butler

CONTACT INFORMATION

If you have any questions about your bill, or this disconnection notice, please contact our Credit Department at 1-800-544-6900. Our representatives are available 7:00 a.m. to 7:00 p.m. Monday through Friday.

If you have a complaint in regard to this disconnection notice that cannot be resolved after you have called Duke Energy, or for general information, residential and business customers may contact the Public Utilities Commission of Ohio (PUCO) for assistance at 1-800-686-7826 (toll free), from eight a.m. to five p.m. weekdays, or at <http://www.puco.ohio.gov>. Hearing or speech impaired customers may contact the PUCO via 7-1-1 (Ohio relay service).

The Ohio consumers' counsel (OCC) represents residential utility customers in matters before the PUCO. The OCC can be contacted at 1-877-742-5622 (toll free) from eight a.m. to five p.m. weekdays, or at <http://www.pickocc.org>.

ENERGY ASSISTANCE:

United Way Referral Service
Call 211

HeatShare – Administrated by
The Salvation Army
513-762-5636

Emergency Home Energy Assistance Program (EHEAP)
Contact local Community Action Agency

Home Energy Assistance Program (HEAP)
Contact local Community Action Agency at
1-800-282-0880

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PAYMENT OPTIONS

Payments can be made by any of the following methods:

- Pay over the phone by electronic check, debit card or credit card. Please call 1-877-596-5068.
- Pay at a Pay Station. Visit www.duke-energy.com or contact our Credit Department to locate a Pay Station near you.
- Pay online at www.duke-energy.com

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Summary: Stipulation Joint Stipulation and Recommendation with Exhibit A electronically filed by Ms. Yvette L Yip on behalf of the Public Utilities Commission of Ohio