

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Duke :
Energy Ohio, Inc. for a Waiver Related : Case No. 18-1683-EL-WVR
To Ohio Administrative Code :
4901:1-10-20. :

**COMMENTS
SUBMITTED ON BEHALF OF THE STAFF OF
THE PUBLIC UTILITIES COMMISSION OF
OHIO**

BACKGROUND

On November 13, 2018 in Case No. 18-1683-EL-WVR, Duke Energy Ohio, Inc. (Duke or Company) filed an application with the Public Utilities Commission of Ohio (Commission) for a limited waiver of Ohio Adm.Code 4901:1-10-20(C)(1) (rule), which addresses the method of delivery of a notice of a fraudulent practice. In relevant part, the rule states the following:

(C) Disconnection of service for fraudulent act.

An electric utility may disconnect service, after following the steps set forth in this paragraph, when a customer uses any fraudulent act, as defined by paragraph (Q) of rule 4901:1-10-01 of the Administrative Code, to obtain or maintain service

(1) Before it may disconnect service for a fraudulent act, each electric utility shall hand deliver written notice to the customer or consumer at the service location. If no adult customer or consumer is present, the electric utility shall attach written notice to a conspicuous place on the premises. When an electric utility reasonably believes that hand delivering or posting notice may jeopardize employee safety, it shall promptly mail the notice, return receipt requested, to the customer or occupant.

In the Application, Duke is requesting a change from hand delivery of the notice to delivery by mail.

Duke provides distribution service for both gas and electric and as such must abide by both the electric administrative rules and the natural gas administrative rules. The electric and natural gas administrative rules differ in regards to the method of delivery of a fraud notice. In relevant part the natural gas rule, Ohio Adm.Code 4901:1-13-09(C)(1) states the following:

(C) Disconnection of service for fraudulent practice.

(1) A gas or natural gas company may disconnect service, after providing notice to the customer pursuant to this paragraph, when a customer uses any fraudulent practice to obtain or maintain service. Before it may disconnect service for a fraudulent practice, each gas or natural gas company shall deliver or send a written notice to the customer or consumer at the service location.

Duke's requested change is to follow the current natural gas rule regarding delivery of the fraud notice by mail and forego hand delivery.

COMMENTS

Duke's residential customers that receive both natural gas and electricity from Duke represent 56.8% of Duke's customers. Electricity only customers are 40.4% and natural gas only customers are 2.8%. Duke is the only company in Ohio that provides distribution service for both natural gas and electricity. Staff recognizes that the burden on Duke to treat the fraud notice differently between gas and electric for the same customer is unique to Duke.

RECOMMENDATION

Staff believes that Duke customers would not be harmed by the waiver of Ohio Adm.Code 4901:1-10-20(C)(1). Duke, as a combination electric and natural gas provider, must abide by both the electric and natural gas administrative rules and as such faces an increased administrative burden when the administrative rules are not in harmony as in the case here. In addition, differing processes and procedures for the same Company can create customer confusion. Therefore, Staff recommends approval of the waiver.

Respectfully submitted,

Dave Yost
Ohio Attorney General

John Jones
Section Chief

/s/ Steven L. Beeler

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PROOF OF SERVICE

I hereby certify that a true copy of the foregoing **Comments** submitted on behalf of the Staff of the Public Utilities Commission of Ohio, was served via electronic mail upon the following Parties of Record, this 6th day of June, 2019.

/s/ Steven L. Beeler

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Summary: Comments electronically filed by Ms. Yvette L Yip on behalf of the Public Utilities
Commission of Ohio