

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE APPLICATION OF
THE DAYTON POWER AND LIGHT
COMPANY FOR A LIMITED WAIVER OF
OHIO ADM.CODE 4901:1-18-06(A)(2).

CASE NO. 18-1257-EL-WVR

ENTRY

Entered in the Journal on June 19, 2019

I. SUMMARY

{¶ 1} The Commission grants the application of The Dayton Power and Light Company for a limited waiver of Ohio Adm.Code 4901:1-18-06(A)(2).

II. DISCUSSION

{¶ 2} The Dayton Power and Light Company (DP&L or Company) is an electric distribution utility as defined in R.C. 4905.02 and R.C. 4928.01(A)(6), and, as such, is subject to the jurisdiction of this Commission.

{¶ 3} On August 2, 2018, DP&L filed an application for a limited waiver of Ohio Adm.Code 4901:1-18-06(A)(2), which requires utilities to provide a residential customer with personal notice on the day of disconnection of service due to non-payment. Specifically, DP&L requests a limited waiver of the personal notice requirement with regard to customers whom the Company has deemed "Code Red" customers, i.e., customers who have acted violently or aggressively toward DP&L representatives in the past, generally requiring a police escort for visits to the premises. DP&L reports that it has approximately 50 customer accounts that are designated Code Red. In the application for waiver, DP&L proposes installation of meters capable of remotely disconnecting and reconnecting service. DP&L states that this ability to remotely service Code Red customers would allow the Company to protect its representatives while providing enhanced service; the customers would still receive notice of a pending disconnection while reconnection could occur faster upon payment of delinquent amounts. Furthermore, DP&L commits to ensuring that, if granted, the waiver will not affect eligibility for customer-assistance programs, will be

fastidiously documented, will provide an avenue for investigation of claims that a Code Red designation was made in error, and will be implemented in concert with Staff.

{¶ 4} On August 30, 2018, Ohio Consumers' Counsel (OCC) filed a motion to intervene on behalf of DP&L's residential customers, which was granted by the attorney examiner.

{¶ 5} On November 27, 2018, Staff filed its review and recommendations regarding DP&L's application. Staff states that DP&L's requested waiver would not impact any other rule or requirement. Ultimately, given its review and the conditions included in DP&L's application, Staff does not oppose DP&L's application for a limited waiver of Ohio Adm. 4901:1-18-06(A)(2).

{¶ 6} By Entry dated March 5, 2019, the attorney examiner issued a procedural schedule to assist the Commission in its review of DP&L's waiver application. Pursuant to the procedural schedule, motions to intervene were due March 27, 2019, initial comments were due April 10, 2019, and reply comments were due April 24, 2019.

{¶ 7} No additional motions to intervene were filed.

{¶ 8} OCC filed initial comments on April 10, 2019, recommending that the Commission defer consideration of DP&L's waiver application in this case and consolidate it with a separate waiver request that DP&L put forth as part of its grid modernization application in Case Nos. 18-1875-EL-GRD, 18-1876-EL-WVR, and 18-1877-EL-AAM (SmartGrid Case). In the SmartGrid Case, DP&L requests a limited waiver of Ohio Adm.Code 4901:1-18-06(A)(2) as part of its broader effort to modernize its distribution grid. OCC states that the Code Red waiver should be considered within the context of DP&L's broader waiver request concerning the same rule, as the capabilities and functionality that DP&L proposed for Code Red customers in this case appear to be duplicative of the capabilities and functionality proposed in the SmartGrid Case, potentially resulting in extra cost to the ratepayers. Alternatively, OCC recommends that, should the Commission grant

DP&L's request in this proceeding, the waiver should be modified to include the safeguards implemented in a similar case in which Staff recommended specific safeguards following the utility's initial application. *In re the Application of Ohio Power Company for a Limited Waiver of Ohio Adm.Code 4901:1-18-06(A)(2)*, Case No. 16-1773-EL-WVR (*AEP Waiver Case*), Entry (Feb. 8, 2017) at 2-4.

{¶ 9} DP&L filed reply comments on April 24, 2019. In response to OCC's recommendation that this case be consolidated with another active case, DP&L states that the limited request for waiver in this case involves a small number of customers, whereas DP&L's waiver request in the SmartGrid Case involves a more comprehensive waiver on a system-wide basis, which is still in its infancy. Therefore, DP&L argues, consolidating the two separate cases would delay the relatively minimal waiver request in this case. Regarding OCC's concern that a waiver granted to DP&L in this matter will result in extra costs to the customer, DP&L states that it has not requested cost recovery in this case. Further, DP&L avers that OCC's assertion that meters installed pursuant to the waiver in this case will be incompatible with future grid updates is speculative and unfounded. In response to OCC's second recommendation, DP&L states that OCC has not listed specific safeguards other than a generic reference to a separate case in which a similar waiver was granted, nor has OCC shown whether the same safeguards are applicable in this case.

{¶ 10} Ohio Adm.Code 4901:1-18-02(B)(3) permits the Commission, upon an application or motion by any party, to waive any requirement of Ohio Adm.Code Chapter 4901:1-18 not mandated by statute for good cause shown. Upon consideration of the application and the recommendations of Staff, the Commission finds that good cause exists for granting DP&L's request for limited waiver of Ohio Adm.Code 4901:1-18-06(A)(2) for customers designated Code Red. The limited waiver facilitates the efficient disconnection and reconnection of a customer's electric utility service while avoiding a potentially dangerous situation for DP&L employees. Further, in its application for the limited waiver, DP&L included the safeguards recommended by Staff in a similar proceeding in which the

Commission granted the waiver sought by the utility regarding Code Red customers. *AEP Waiver Case*, Entry (Feb. 8, 2017) at 2-4. Finally, the Commission finds that there is no reason to conclude that permitting this limited waiver for Code Red customers, as opposed to addressing the waiver in the broader context of the SmartGrid case, is duplicative to future efforts or will result in increased costs to customers. Therefore, DP&L's limited waiver of Ohio Adm.Code 4901:1-18-06(A)(2) is reasonable and should be granted, subject to the following directives:

- (a) DP&L may initiate this program no sooner than August 1, 2019.
- (b) As referenced in the application, DP&L shall retain on file any and all documentation which supports a customer being designated Code Red as long as the customer account is active. For new Code Red designations, the permanent account note should include, but is not limited to, the date of the threat or other aggressive action, the name of the person behaving aggressively or threatening, if known, the type of threat made, and the date the note was added to the account. DP&L shall make best efforts to collect and record this information and shall endeavor to provide the same information for all pre-existing Code Red accounts.
- (c) DP&L shall work with Staff on the communications to be sent to customers designated Code Red to inform those customers that they will no longer receive personal notice prior to the disconnection of service. DP&L shall submit the proposed notice to the Director of the Service Monitoring and Enforcement Department (SMED) or the Director's designee for approval at least 30 days before the program is initiated. Any future amendments to the notice shall be submitted to Staff for approval at least 30 days before it is sent to any customer.

- (d) DP&L shall provide the Director of SMED or the Director's designee, by August 1, 2019, and by August 1 every year thereafter until the Commission specifically directs DP&L otherwise, an annual report of the customers designated Code Red. The annual report shall include the number of Code Red customers within DP&L's service territory, state the number of designated Code Red customers that have a meter capable of remotely disconnecting and reconnecting service, the types of meter installed, and the number of complaints received, directly by the Company or via the Commission, related to Code Red designations.
- (e) DP&L shall diligently investigate a customer's claim that the occupants of the household or premises have changes or that the Code Red designation is in error and take appropriate action as the Company deems necessary.
- (f) DP&L shall work with the police to install the new meters at the customer's premises to ensure safety for its representatives.

{¶ 11} The Commission emphasizes that this limited waiver of Ohio Adm.Code 4901:1-18-06(A)(2) for designated Code Red customers only applies to the extent specified in this Entry and that DP&L must comply with all other requirements imposed by Title 49 of the Revised Code and the Commission's rules.

III. ORDER

{¶ 12} It is, therefore,

{¶ 13} ORDERED, That DP&L be granted a limited waiver of Ohio Adm.Code 4901:1-18-06(A)(2) for designated Code Red customers consistent with the requirements set forth in this Entry. It is, further,

{¶ 14} ORDERED, That a copy of this Entry be served upon all parties of record.

COMMISSIONERS:

Approving:

Sam Randazzo, Chairman

M. Beth Trombold

Lawrence K. Friedeman

Daniel R. Conway

Dennis P. Deters

PAS/TMS/hac

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