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PUCO

PUCO  
180 East Broad Street  
Columbus, Ohio 43215

August 8, 2019

SUBJECT: Reply Comments

Case No. 19-52-AU-ORG filed for Citizens Coalition

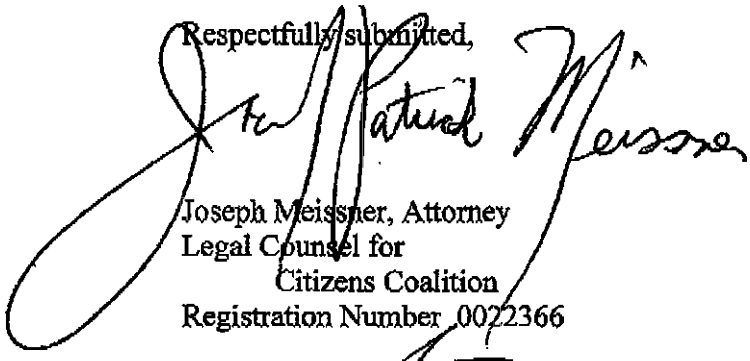
Dear People,

Enclosed is a Legal Pleading from the Citizens Coalition. These are the Reply Comments in this case. These are to be filed by August 9, 2019.

Please file this. We are filing by FAX for Commission and by email for those who said they will accept service by email. We will send regular mail to those who did not say email service was acceptable.

We are sending 25 copies overnight express mail to PUCO for distribution.

Thank you very much.

Respectfully submitted,  
  
Joseph Meissner, Attorney  
Legal Counsel for  
Citizens Coalition  
Registration Number 0022366

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BEFORE

PUCO

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Commission's            )  
Review of Ohio Administrative Code        )        Case No. 19-52-AU-ORD  
Chapters 4901:1-17 and 4901:1-18.        )

REPLY COMMENTS

BY

THE CITIZENS COALITION

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Date: August 1, 2019

## I. RE-EMPHASIS OF BACKGROUND

The Citizens Coalition, its supporters, and its predecessors have been involved in PUCO cases and issues for many decades going back to 1976 and continuing to the present. It was groups from this Citizens Coalition who originally litigated for the Percentage of Income Payment Program (PIPP) going back to 1982 and 1983 when the PIPP was first established.

We again repeat emphatically that PIPP was never meant to be a “give-away program.” Nor was it meant to overly burden the utilities companies or customers not enrolled in PIPP. Those enrolled in PIPP are expected to pay a substantial part of their actual usage each month. In fact, and even according to some of the Initial Comments filed by others in this proceeding, low-income families do pay significant portions of their monthly income to remain in the PIPP program. Customers can and do have their service disconnected if they do not follow the PIPP rules.

Furthermore, over the years various means and programs have been developed so that the arrearages can be reasonably resolved without forcing customers to lose their service—even after leaving PIPP—or without pushing them into such drastic and costly alternatives as declaring a bankruptcy.

In summary, as we repeat over and over in every possible forum including the PUCO and this current proceedings, PIPP actually functions as an “insurance” program similar to Workers Compensation or Unemployment Compensation programs or medical insurance programs. In the first two programs—in effect—portions of workers’ payments are used to finance these while workers are protected from injuries on the job or loss of employment not through any fault of the workers. In medical insurance programs, customers pay in relatively small regular payments to cover part of the cost of any medical procedures they may require.

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Under PIPP, customers following the PIPP rules, can maintain their essential utility service in times of financial crisis when they cannot afford to pay immediately the entire bill for their usage. All customers, including low income families, have a small extra charge on their monthly bills through a rider which insures that the utility companies are made "whole." The entire "utility establishment" including The PUCO and its commissioners, the utility companies, and all customers are to be thanked and congratulated for their support of the Ohio PIPP program which—in our view—is the finest program in America to help low-income customers.

Sometimes, we hear some customers not on PIPP complain about the program as either too expensive or too burdensome for the companies and non-PIPP customers. "Why can't we enjoy the PIPP benefit?" they may ask. We provide answers to such complaints. First, if you a customer are on PIPP, it is because your economic condition is not favorable. Upon reflection, it seems better that somebody is doing well economically and not be forced to resort to PIPP. Secondly, customers can find some satisfaction in "being able to sleep innocently at night," and not have to worry that some low-income family--which often includes children--not be left without essential heat and light, particularly in dangerous periods of bad or cold weather in Ohio. Third, there are various programs available to help low-income families keep down and even reduce their usage, which lowers their actual bill and reduces the burdens of PIPP for non-PIPP customers and for the companies.

First Energy itself generously has programs available through community agencies to help these PIPP customers as well as non-PIPP customers who have low-incomes. We would urge all utility companies to have such "Fuel Fund" programs as a "final safety net" to prevent disconnections. Finally, even if a customer right now does not need PIPP, just like someone now may not need the Worker Compensation Program or Unemployment Compensation, programs, there can always be a change in somebody's circumstances. Always remember, and

this even applies to attorneys, you never know when your economic condition could unexpectedly turn bad, and your family would be happy there was a PIPP to help them through tough times.

The Citizens Coalition has the following Reply Comment in this proceeding. These are only meant to respond and remark on Initial Comments already filed. We will begin each section by naming the party that filed the relevant Initial Comment and then we will provide our--hopefully helpful--observations and analyses for this proceeding.

II. JOINT COMMENTS OF THE EAST OHIO GAS COMPANY D/B/A DOMINION ENERGY OHIO AND VECTEN ENERGY DELIVERY OF OHIO, INC.

A. DEPOSIT (page 1--this refers to the pagination of the party's Initial Comment filing. We will continue to use this numbering system so that the reader can understand where our Coalition comment applies): The Coalition totally opposes any deposit requirements from low-income families. Why? These families already have substantial financial burdens. If they miss making a full payment, generally it is not because they are piling up funds in Swiss Bank Accounts. It would seem that simple notices with very large print in tri-color might be enough of a warning to customers about missing needed payments.

B. REMOTE CONNECTION (Page 2): Many customers have more and more options for remote connections of various utilities and all sorts of appliances and items. We should be careful however not to project these latest technologies onto low-income families. For example, many low income families may have computers just as middle class families enjoy this technology. But often these are out-of-date, poorly-functioning computers with all sorts of connection problems and defective internal operations. When utility service--which is necessary for health and life, especially in winter months--disconnected, the Coalition wants as

much personal and face-to-face communication as possible.

C. MAILING OF NOTICES (page 3): There is discussion that notices “must allow three calendar days for mailing.” The Coalition raises a question whether “three days” is sufficient. In many low-income neighborhoods, there can be many problems with mail service. Mail delivery personnel may be absent from work. Oftentimes substitute personnel have to be used who are not that aware of the various crowded neighborhoods. Envelopes do get mixed up and delivery is made to wrong addresses. The Coalition raises this problem in terms of questioning “three days.” More research may be needed to see if the Coalition concern is valid.

III. COMMENTS BY ADVOCATES FOR BASIC LEGAL EQUALITY, INC, AND BY SEVEN OTHER ADVOCACY GROUP:

A. DISCONNECTION AND LACK OF MONEY (Page 1 and 2)

These parties make the valid observation on why low-income families often wind up facing disconnection. It is not because of unwillingness to pay, or any obstinacy, or animus against the utility companies or the PUCO. It is a money problem, or rather a lack of money. Of course, PIPP has great credibility (and should be established in every State) precisely because low-income families must pay a substantial amount of their bill. Moreover, the program has various requirements besides the required monthly payment.

All involved, however, must keep in mind this money problem whenever we devise various PIPP requirements. By establishing new requirements and increasing burdens upon the poor, these may make logical sense, but they can simply worsen the situation for the poor. We may want to think of requirements which may entail environmental or conservation measures that are helpful in the energy arena, but may be crippling to poor families.

B. MEDICAL CERTIFICATIONS (Page 3): These were originally

intended to help low-income families overburdened with medical problems which so often involve increased financial concerns. We must be careful not to add to a family's plight with unreasonable and untimely PIPP payment requirements.

C. MISSED PIPP PAYMENTS (Page 4): A number of parties commented on the harshness of making low-income families pay for months when they had not actively been enrolled in PIPP, if they are seeking to restore service and restart participation in the PIPP program. The Coalition totally opposes any such burden upon the poor.

D. POST-PIPP PROGRAMS (Page 7): The Coalition sees no reason not to inform customers about post-PIPP programs. The Coalition states, "Give them additional time to use these and pay in more money. Provide deals like 'Pay whole bill now and get a twenty percent discount.'" Our overall goal is to get in as much money as possible to help the financial stability of the PIPP Program.

E. LARGE ARREARAGES OWED BY CUSTOMERS WHO INVOLUNTARILY LEFT PIPP AND NOW WANT TO RETURN (Page 7): ABLE, et al, expresses its concerns for customers who involuntarily left PIPP, and Now "want" to return, and have huge arrearage balances. The general requirement is that these customers must pay these entire arrearages before being re-admitted to PIPP. Like ABLE, et al, the Coalition echoes these concerns. Why impose impossible burdens on low-income families who may not only "want" to return to PIPP, but who must so they can take care of necessary health and even life-or-death concerns for having utility service. Some kind of payment program should be provided for such customers. This could include requiring customers to put down a reasonable deposit, or paying the sum of a current PIPP and also one or two months of arrears. PIPP is meant to insure low income families have necessary utility services. The goal is not to make money—although all must pay something—but to insure that vital utility services are available to the poorest in our

communities.

F. ODSA MAKES PIPP RULES RECOMMENDATION WHICH IS SUPPORTED BY ABLE, ET AL. (Page 8): Both ODSA and ABLE, et al, supported by the Coalition, urge that the missed PIPP payments customers be obligated to pay to return or remain on PIPP should be limited only to PIPP payments that customers missed when they were actively enrolled in receiving utility service. This seems both reasonable and fair. This proposal is also urged in similar situations by ABLE, et al. See Pages 9 and 10 of ABLE'S et al, Initial Comments.

G. ODSA RULES REQUIRING ALL PAST DUE PIPP INSTALLMENT PAYMENTS MUST BE PAID WITHIN ONE BILLING CYCLE FOLLOWING ANIVERSARY DATE TO REMAIN ON PIPP (Page 9): ABLE, ET AL, seeks to modify that to allow a period of 90 days for all payments to be made up. This is probably adequate for most customers caught in this situation. But there may be customers who have extensive arrearages who may need more than 90 days. The Coalition would urge that customers should make up the missed payments within 90 days, but if there is still an amount of arrearages owed, these should be added onto their overall arrearage upon which they can make payments, but customers should not be disconnected for this.

H. OBJECTION THAT THE POST-PIPP PROGRAM IS ONLY AVAILABLE FOR 12 MONTHS FROM WHEN PIPP ACCOUNT WAS FINALIZED (Pages 10-11): ABLE very wisely objects to this limitation on the limited availability of the Post-PIPP program. The Coalition also holds this view. Why should there be this twelve-month limitation? There can be many reasons why families do not take advantage of the Post-PIPP-Program which have nothing to do with time, but may relate to circumstances. The goal should be to collect as much money as possible from post-PIPP customers. If the



Post-PIPP program could be made available for three years (as recommended by ABLE), this could be advantageous to all.

I. OHIO ADMINISTRATIVE CODE PROVIDES EIGHT GROUNDS FOR WHY SERVICE CAN BE DISCONNECTED. ARE THESE ALL REASONABLE? (See Page 13.) Most of these are understandable and provide "fair warning" to customers. But one questionable reason for why service can be disconnected is "for "Good cause shown." This is very nebulous, undefined, and whose ambiguity could cause problems for the utility company and for the customers. Either define grounds with some clarity rather than cite the nebulous for "good cause shown."

J. OBJECTING TO PERMITTING SERVICE TO BE DISCONNECTED UP TO 3:30 P.M. AS OPPOSED TO THE NORMAL 12:30. PM (Page 14.) The Coalition objects to allowing disconnections beyond 12:30. For most customers it would seem that it is not the advanced metering capabilities which may allow for quicker connections after a necessary payment is made, that is the key factor. The real problem for the customers is finding the payment and usually this involves visits to various social service agencies. Many agencies may not be available in the afternoons which may result in low-income families being disconnected at nights. This is not a beneficial situation for customers to be disconnected at nights, especially in the winter. The Coalition recommends that service should be disconnected as early as possible during the day and allow the customer as much time as possible to find the necessary funds.

IV. INITIAL COMMENTS OF DUKE NERGY OHIO, INC,

A. DEPOSITS TO ESTABLISH CREDITWORTHINESS

Page 1): In opposition to Duke Energy, the Coalition opposes demanding deposits from low-income customers. This only exasperates their burdens, without really helping the overall

program.

B. MEDICAL CERTIFICATIONS AND PRIOR PAYMENT PLAN DEFAULTS (Page 3): The Coalition opposes any of defaults of extended payment plans with affecting the eligibility to use another medical certificate. The reason for medical certification has to do with an involuntary condition of illness or disease. This should not be linked up to fulfilling any payment plan. These are separate issues.

C. PROCESSING MEDICAL CERTIFICATES ON COMPANY HOLIDAYS AND WEEKENDS (page 3): Duke opposes any requirement that the company may have to process medical certificates on holidays and weekends. The Coalition does not quite understand Duke's problem. We assume that Duke's proposal will not lead to more disconnections. Nor we assume will this affect the medical certificate itself, not its availability from a medical provider. If this is not the case, the Coalition would oppose the Duke proposal.

D. PERCENTAGE OF INCOME PAYMENT PLAN ELIGIBILITY FOR GAS UTILITY SERVICE (Page 4): As we understand Duke's proposal, low income families would not be prevented from re-enrolling in PIPP Plus even if they had over twelve months of installment payments still required. They could thus more easily re-enroll in PIPP while their over-twelve month arrearages would remain alive in their account balance but would not be used to deny them utility service.

V. INITIAL COMMENTS OF COLUMBIA GAS OF OHIO, INC.

A. RAISING THE PIPP PLUS CUSTOMER ELIGIBILITY STANDARD FROM 150% TO 175% (Page 1.) Columbia Gas recommends that the eligibility standard for PIPP Plus should be raised from 150% to %175%. Thus more low income families could be able to participate. The Coalition fully supports this recommendation from Columbia Gas of Ohio. This also will result in standardizing the eligibility standard for all utility

programs.

VI. COMMENTS OF THE DAYTON POWER AND LIGHT  
COMPANY

A. USE OF SMART GRID DEVICES TO NOTIFY  
CUSTOMERS (Page 1):

The Coalition is highly suspicious of any proposals that may rely upon “smart” devices to notify customers about impending shutoffs of utility service, in place of personal notifications. Consider these possible problems. Personnel in low-income households may have difficulties using such devices or responding to them. These may not be working properly. There may be “disconnections” of various kinds. A utility disconnection can be a question of life or health. We should not surrender low-income families to these “inhuman” devices of “the advanced metering infrastructure.” The Coalition emphasizes that all notifications for turning off utility services should involve “personal” notification.

B. HOUSEHOLD MEMBERS AND PIPP ELIGIBILITY  
(Page 4): The Dayton power and Light Company finds it objectionable to serve a new customer if a former customer, who has an arrearage, is residing at the premises. The Coalition argues that the question is the eligibility and financial status of the new customer, not the residence address of an old customer that should be the deciding factor. If the latter owes the utility company, the latter can and has the right to pursue that old customer. If the old customer, whether out of mercy or compassion or family connections, is living in a new customer’s residence, so what? The new customer should only be evaluated based on that customer’s eligibility, not who may be living with that customer.

VII. COMMENTS OF OHIO PARTNERS FOR AFFORDABLE

ENERGY:

A. AFFORDABILITY OF UTILITY SERVICE FOR  
VARIOUS GROUPS OF DIFFERING INCOME LEVELS (pages 2 to 4):

Here is an excellent summary from Ohio Partners of the financial situation of low income families versus moderate and higher income customers on the relative percentage amounts of income each group of customers must pay for similar utility service.

.... OP&E believes these rules have veered from their original intent. PIPP Plus taking utility service in Ohio has an energy burden – the percentage of family income spent on utility service – of 3.0 percent. <https://www.energy.gov/eere/slsc/maps/lead-tool>. was designed to improve the affordability of utility service. The average family

By comparison, the low income household with an income under 100 percent of the Federal Poverty Line (FPL) has an average energy burden of 17 percent. Families with incomes between 100 and 150 percent of FPL have an energy burden of 8 percent, and those with incomes between 150-200 percent FPL have burdens of just over 5 percent. Ibid. PIPP+ customers are required to pay 10 percent (if all electric) or 12 percent of their income for regulated utility service, or roughly 263 – 447 percent of an average median income family.

Eligibility for PIPP Plus is set at 150 percent of the federal poverty line, but most customers participating in the Program have incomes of less than 90 percent of the federal poverty line. There are obvious conclusions that can be drawn from this information: 1) PIPP Plus customers are the poorest of the poor; 2) PIPP Plus is only beneficial to customers with an energy burden of greater than 10 or 12 percent of the family budget; and, 3) PIPP Plus customers live in the most energy inefficient housing.

Public data sources make clear that low income customers generally use less Electricity and natural gas than families of average income. For many income-eligible families, low usage and currently low natural gas prices allow them to afford their utility bills. The Home Energy Assistance Program (HEAP), PIPP Plus, and the weatherization programs address the needs of households that are high users or low on the income scale.

The purposes of PIPP Plus are to improve affordability and help ensure families remain connected to essential energy services. The percentage of income required is very high compared to average energy burden for median income or many low income customers. We must acknowledge the reality that many PIPP Plus customers will fail to make every payment.

Low Income customers have a utility burden of three to five times what higher income groups face. Furthermore, because of their lower incomes they also have less funds and less flexibility when confronting a financial crisis. Everyone involved with PIPP, whether from the

company perspective, or customers, or PUCO should paste this quotation from Ohio Partners on their wall in front of their computers. As they type away, they should remember that low-income families are real flesh and blood whose poverty status weighs down upon them and their families every day. Disconnection is more than just typing in an internet entry.

**B. ADDING NON-PAYMENTS TO ARREARAGES, RATHER THAN DISCONNECTING (Page 4):**

This choice affects a number of issues discussed not only by Ohio Partners, but other parties to this case. The Coalition understands the problem of missed payments, whether due to medical Certifications or other situations. The Coalition, however, would make the general recommendation that when problems do occur with customers missing PIPP payments, the companies make the decision to add missing payments onto arrearages, rather than using these to disconnect low income families.

The Coalition also would encourage the PUCO to urge all utility companies to establish a Fuel Fund Program similar to what First Energy has generously created. This is an emergency fund available to poor customers when they have used all other options. Customers can use this once a year. Funds up to \$500.00 per family are provided to help customers overcome unusual financial crises to resolve a payment need.

**C. DAYS AND TIMES FOR DISCONNECTIONS (Page 12):**  
A number of parties including Ohio Partners have commented on the time of day, such as before 3:30 for disconnecting someone as well as whether companies are closed the following day, such as for a holiday.

The Coalition would make these recommendations. Disconnections should be done as early as possible on given day. This will allow more time for customers to find a way of resolving the problem and getting any funds that may be required. In fact, the Coalition would

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recommend that all disconnections take place before noon on a given day. Secondly, the utility company should only disconnect on a given day when the day after that disconnection day is a normal full-time day when social service offices and personnel are definitely available. It often takes a day for most agencies to respond in emergency situations. Furthermore, how is anyone benefitted when a customer is disconnected often for two or three days because of holidays and weekends.

Finally, and this is just a question, would it be more helpful to all, if all disconnections were done on the same day early in the week? The Coalition is not an expert of utility company operations or of disconnection procedures, but would everyone benefit if disconnections could only be done on, say, Mondays and Tuesdays? Would the troubled customer be more able to deal with the crisis and resolve it quicker? Again, the Coalition is just inquiring, not recommending.

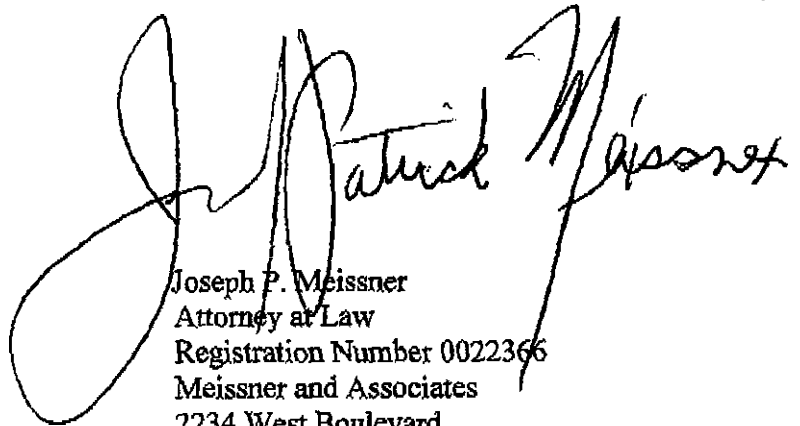
D. "THE DIFFICULT OR EVEN DANGEROUS CUSTOMERS" (Page 12): Some companies have pointed out the problems that may be caused by "difficult" or "dangerous: customers. We can understand how a disconnection or payment collection situation can "get out of hand," and something bad can occur. Our news and media are filled with accounts of how an ordinary situation grows into a treacherous encounter where lives are at stake.

But some propose a cure that may be worse than the illness. A customer may really go berserk when a new "ruthless and heartless" technology takes their service away and they have no opportunity to try to explain the problem to a "live" company representative. If a customer might do something "stupid" when the "service terminator" challenges them, might they not do something really "stupid," when the company representative totally disappears, leaving innocent bystanders to deal with a customer's wrath? In fact, an "angry" customer might even

do more harm, once there is no human being there to whom they can talk and complain. So the Coalition does recognize the problem, but urges that some sensible approach be taken for this situation, rather than just desertion.

**CONCLUSION:** The Citizens Coalition thanks the PUCO and its Staff as well as others who have assisted in this process of considering amendments and changes to the rules for disconnections. By all working cooperatively, we can make our PIPP program even more effective in helping low income families enjoy adequate and necessary utility service and survive in this world.

Respectfully submitted,

A large, stylized handwritten signature in black ink, which appears to read "Joseph P. Meissner". The signature is written in a cursive style with large loops and flourishes.

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CERTIFICATE OF SERVICE

I hereby certify that a copy of these Reply Comments was served upon the necessary parties and Commission personnel.

First, copies were filed by FAX on the Commission.

Second, 25 copies of this legal document were sent on overnight express mail to the PUCO for distribution.

Thirdly, copies were served by FAC to Hearing Examiner and Attorney General representatives. See below.

Fourthly, copies were served by email on all who said that they would accept service by email.

All of this done during the period August 7, 2019, to August 9, 2019.  
on the persons stated below via electronic transmission.

IMMEDIATE SERVICE LIST

Attorney General Representative

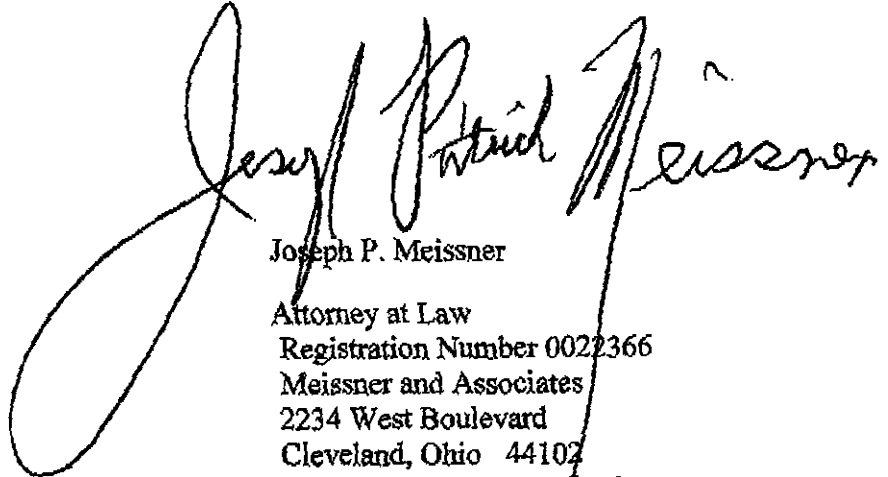
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Respectfully submitted

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Joseph P. Meissner

Attorney at Law

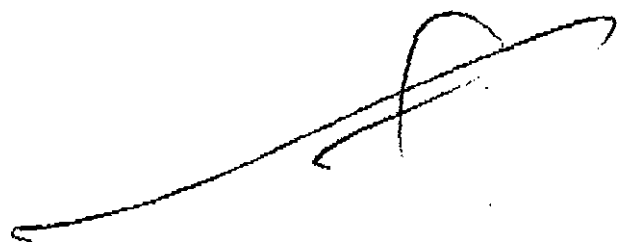
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