

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Commission's Review of     )  
Chapters 4901:1-17 and 4901:1-18 of the Ohio     )     Case No. 19-0052-AU-ORD  
Administrative Code.     )

**REPLY COMMENTS OF  
THE EAST OHIO GAS COMPANY D/B/A DOMINION ENERGY OHIO  
AND VECTREN ENERGY DELIVERY OF OHIO, INC.**

**I. INTRODUCTION**

In accordance with the Commission's June 19, 2019 Entry in this case, The East Ohio Gas Company d/b/a Dominion Energy Ohio (DEO) and Vectren Energy Delivery of Ohio, Inc., a CenterPoint Energy Company (VEDO) (collectively, the Companies) file their reply comments to the comments filed on July 19, 2019 and August 8, 2019, regarding the proposed revisions to Ohio Adm. Code Chapter 4901:1-17 and -18. The Companies would note that they do not address every comment filed by other parties; any silence in regard to such comments should not be interpreted as support.

**II. GENERAL PIPP PROGRAM REPLY COMMENTS**

A number of consumer groups recommend changes to the PIPP rules that would generally reduce the amount owed by PIPP customers to participate in the program, as a condition of restatement, or following their departure from the program. This would include all of the comments filed by the Citizens Coalition, The Breathing Association, the general comments filed by Ohio Partners for Affordable Energy (OPAE), and other specific recommendations cited throughout the Companies' reply comments that follow. The Companies offer a general and common response to these recommendations up front.

The Companies certainly appreciate the sentiment behind these recommendations, and do not question the genuineness of their desire to help customers struggling with poverty. The

problem, however, is that these recommendations create a bill that must be paid by other customers. These recommendations tend to focus solely on the interests of the program's beneficiaries, and to lose sight of the interests of the customers who pay for those benefits.

Their interests also need to be kept in the balance. In the Companies' view, the current balance (between program benefits and conditions of participation) is generally fair. The Companies are not in favor of recommendations that would significantly reduce what participating customers should be required to pay and thus significantly increase what other customers must pay. It is reasonable and important that participating customers have some "skin in the game," and the Companies believe that there is no reason to significantly reduce the share set forth in the current rules.

This is not to say that the Companies have objected to every revision that may adjust the balance in favor of PIPP customers. In their initial comments, the Companies did not object to Staff's recommendation to require missed PIPP payments, as opposed to actual charges, as a condition of reinstatement. (*See, e.g.*, DEO-VEDO Comments at 10–11.) Although this change does appear likely to reduce the amounts owed by participating customers, it brings with it added benefits of simplicity and still requires PIPP customers to pay a proportional share of their cost of service.

The Companies are also supportive of Columbia's recommendation to "hold a workshop with all utilities, including electric and gas, to determine whether it is feasible and reasonable to increase the PIPP plus customer eligibility standard to 175% of the federal poverty guidelines." (COH Comments at 1.) The Companies believe that this proposal could have benefits (such as giving customers on the margin more options, and creating a unified threshold for energy

assistance) without significantly increasing overall costs to ratepayers. But further analysis is required, and a workshop would provide an opportunity to evaluate these issues further.

### **III. CHAPTER 4901:1-18 REPLY COMMENTS**

#### **A. Rule 4901:1-18-01**

##### **1. Definition of “Active PIPP Customer.”**

The Office of the Ohio Consumers’ Counsel (OCC) recommends “adopt[ing] portions of the ODSA definition for an active electric PIPP customer in the rules that pertain to natural gas PIPP customers.” (OCC Comments at 12.) To the Companies’ knowledge, the term “active PIPP customer” does not appear as such in Chapter 4901:1-18. The rules contain two references to “active . . . *graduate* PIPP plus customers,” but that is a different category of customer. Absent further explanation, the Companies do not believe that this recommendation is necessary.

##### **2. Section (Q) – PIPP Plus anniversary date.**

OPAE recommends eliminating (via definition) the requirement that PIPP customers be required to “be current on his/her income-based PIPP plus payments” as of the anniversary date. (OPAE Comments at 5.) The Companies oppose this recommendation for the reasons set forth in their general reply above.

##### **3. Section (S) – PIPP Plus reverification date.**

OPAE also recommends revising the reverification date; instead of being “every twelve months from when the customers last reverified,” it should be “as determined by the Ohio Development Services Agency.” (*Id.*) The Companies oppose this recommendation as well. OPAE does not provide a persuasive explanation in support of this change. The proposal would be less transparent to customers and utilities, and would require significant additional coordination between utilities and ODSA, as well as system reprogramming [**for DEO**].

**B. Rule 4901:1-18-02**

**1. Section (B) – Elimination of waivers.**

OPAE recommends deleting provisions of this section to eliminate the Commission’s discretion to (a) prescribe different standards for disconnection and reconnection of service and (b) grant waivers from any rules. The Companies oppose this recommendation. It is supported by no argument or explanation whatsoever. The ability to grant waivers and address unique situations is clearly an important tool for the Commission to regulate a diverse group of utilities providing service in different industries, to different customer bases in different geographic areas, utilizing different technological and operational capabilities, under different regulatory requirements. Company-specific waiver requests can be, should be, and are considered on their own merits. This recommendation must be denied.

**2. Section (D) – Electronic notices.**

AEP Ohio recommends that the rules “clarify that all notifications to a customer will be provided electronically if a customer elects to receive electronic notification.” (AEP Comments at 1.) The Companies support this recommendation. The rule already permits use of electronic notices for electing customers without limitation (assuming consistency with “commission requirements or guidelines”). AEP’s recommendation applies to the sentence requiring utilities to inform electing customers that notices will be provided electronically, and thus would increase customer awareness.

**C. Rule 4901:1-18-03**

**1. Section (N) – Disconnection standards.**

OCC recommends eliminating a provision of the rules permitting disconnection of service “for good cause shown.” (OCC Comments at 13.) The Companies disagree with this recommendation.

The existing rule states that utilities may “*only*” disconnect service for reasons stated in the rule. While the rules enumerate the most common reasons for disconnecting service, the reality is that utility companies serve millions of customers and can be presented with unique circumstances that reasonably justify disconnection, but may not fit precisely within the terms of the rules.

Particularly for natural gas companies and electric companies, who deliver a product that is hazardous if not properly controlled, it is critical that the rules provide some operational discretion to turn off service, even if doing so is not within the strict letter of the enumerated clauses. Seeking a waiver of the rules in advance of disconnection would be impractical in most situations, with such proceedings usually taking months, while the need to disconnect may be urgent.

And while the rule provides some discretion, that discretion is not unreviewable. Notably, although such provisions have been in place for many years, OCC does not point to a single complaint alleging abuse of this provision of the rule. But if a customer ever believed that such a situation occurred, the customer could complain to the Commission and the utility would be potentially liable. OCC’s recommendation should be rejected.

#### **D. Rule 4901:1-18-05**

##### **1. Section (B) – PIPP information.**

This section requires utilities to direct customers interested in PIPP “to the local community action agency.” OPAE recommends adding the phrase “or other community-based nonprofit organization designated by the Ohio development services agency” after “the local community action agency.” (OPAE Comments at 12.)

The Companies are not opposed to this recommendation in principle. If the rule is adopted, however, it is important to ensure that utilities receive clear guidance both identifying

any additional organizations *and* clarifying which customers (*e.g.*, in given localities) should be directed to which organizations. Utilities are not social services agencies; if the pool of assistance organizations is to be expanded, guidance must be provided to ensure utilities direct customers to the appropriate locations.

**E. Rule 4901:1-18-06**

**1. Section (A) – Expiration of 14-day notices.**

AEP proposes that 14-day disconnection notices should expire after 60 days, similar to Staff’s proposed revision that 10-day notices should similarly expire. (AEP Comments at 2.) The Companies do not support this recommendation for the reasons set forth in their initial comments opposing the Staff-proposed revision. (*See* DEO-VEDO Comments at 4–9.)

**2. Section (A)(1) – Remote reconnection.**

OCC recommends that “customers with AMI meters [should be] reconnected within one hour any time after payment is made.” (OCC Comments at 14.) The Companies do not currently have the capability to remotely disconnect and reconnect meters, so at present these rules would not apply. Nevertheless, they oppose this recommendation, as it appears extremely aggressive and impractical, and no explanation is given that such a tight timeframe is required.

**3. Section (A)(2) – Personal notice.**

OPAE recommends that the following provision be added to this section: “A company is not required to provide a personal notice if a reasonable man would conclude there is a threat of bodily harm to the utility personnel attempting to deliver the notice.” (OPAE Comments at 13.) The Companies support this revision, which would provide a clear and limited exception to the requirement of notice on the day of disconnection, but would help protect utility field personnel where there is a reasonable concern for worker safety.

#### **4. Section (A)(3)(c) – Requests for termination lists.**

The existing section requires utilities to provide a list of customers subject to impending disconnection to a county department of job and family services if that department “has provided the utility company with a written request for notification of residential service disconnection prior to the disconnection.” OPAE recommends expanding this requirement such that the list may also be requested by “local community action agencies, or other community-based nonprofit organization designated by the Ohio development services agency.” (OPAE Comments at 13.)

The Companies oppose this recommendation. First, the existing requirement to notify a county department of jobs and family services reflects a statutory authorization. *See* R.C. 4933.12(E) (permitting “a county human services department [to] request a company to give prior notification of any residential service terminations” under certain conditions). This statute makes no mention of community action agencies or nonprofit organizations, and it would be improper for the Commission to expand the rule beyond the scope of the authorizing statute.

In addition, broadly expanding the category of entities who can request termination lists could create an administrative nightmare for utilities and the possibility of abuse. Just as concerning, providing upfront authorization allowing an unknown group of entities to request sensitive customer information raises serious privacy concerns. OPAE’s recommendation should be rejected.

#### **5. Section (A)(5) – Waiver of disconnection notice requirements.**

OPAE recommends that “[t]here should be no waivers of the requirement to provide [the notices required under this rule] on the day of disconnection.” (OPAE Comments at 13.) The Companies oppose this recommendation. It seems self-evident that any request for a waiver of this or any other rule should be considered on its own merits, and not prejudged in a rulemaking.

## **6. Section (B)(1) – Ten-day notices.**

### **a. AEP Comments**

AEP makes two recommendations regarding this section. First, it “suggests that all disconnection notices sent to a customer for a given billing period provide the same disconnection date regardless of the time of year issued.” (AEP Comments at 3.) It is not clear to the Companies what is being recommended here; the comments do not appear to provide recommended textual revisions. As such, the Companies are unable to support this recommendation at this time.

Second, AEP recommends revising the verbiage describing the calculation of the ten-day notice. (*Id.*) The Companies believe that the existing language makes clearer what date the additional “ten days” should be added to, and that the ten days should be consecutive to the 14-day notice. As such, they support maintaining the current phrasing.

### **b. OCC Comments**

OCC similarly recommends removing verbiage from this rule that eliminates the connection to the date stated on the 14-day disconnection notice. (OCC Comments at 15–16.) The Companies disagree for the same reasons stated in the preceding section—they believe OCC’s revision would make the rule more ambiguous, not less.

### **c. OPAE Comments**

OPAE proposes adding the phrase “Electronic contacts are permitted only with permission of the customer” to the end of this section. (OPAE Comments at 13.) The Companies do not believe this change is necessary. The rules already effectively require customer consent: “The rules in this chapter allow the use of electronic transactions and notices, *if the customer and the utility company are both in agreement regarding such use* and such use is consistent with commission requirements or guidelines.” Ohio Adm. Code 4901:1-18-02(D). OCC’s change



would be duplicative. Moreover, the reference to “electronic contacts” would be overbroad – would utilities need advance consent simply to use a telephone? This change should not be adopted.

#### **7. Section (B)(3) – Expiration of notices.**

Duke Energy Ohio recommends an addition to the proposed Staff change, with ten-day notices to expire after either “60 days *or* two billing cycles.” (Duke Comments at 3.) The Companies opposed the Staff change in their initial comments, and continue to do so.

Duke also recommends that “customers with meters that are deemed hard-to-access be excluded from this requirement, as this change will extend the time it takes to disconnect service.” (*Id.*) The Companies agree with this recommendation, although for DEO it would be impractical, given that approximately half of its meters are hard to access. The Companies believe that the better course is not to make the change recommended by Staff, but for the Commission to consider alternate solutions if it believes “stale” notices are a problem.

#### **F. Rule 4901:1-18-07**

##### **1. Section (A)(2) – Reconnection of Service.**

The Breathing Association (TBA) recommends that to rejoin PIPP, disconnected customers should only be required to pay the default amount at the time they were disconnected, and also that PIPP-eligible customers “who are disconnected and have never been on PIPP” should be reconnected upon payment of “the first PIPP Plus installment (no matter the season of assistance).” (TBA Comments at 1.) TBA also recommends a lesser amount applicable to homeless applicants. (*Id.*) The Companies do not support these recommendations for the reasons stated in their general reply comments.

**2. Section (B)(1) – Remote reconnection.**

**a. OCC Comments**

As in Rule 4901:1-18-06(A)(1), OCC recommends reconnection of service within one hour when a meter with remote reconnection capabilities is installed. (OCC Comments at 17.) For reasons stated above, the Companies oppose this recommendation.

**b. OPAE Comments**

OPAE recommends that where meters with remote reconnection capabilities are installed, “the reconnect fee be capped at \$10.00 during regular business hours and \$15.00 for reconnection during the evening or on weekends.” (OPAE Comments at 14.) As noted, the Companies do not possess remote reconnection capabilities at this time, but they nevertheless oppose this recommendation.

To begin with, the amounts appear arbitrary and are supported by no showing that \$10 or \$15 represent the actual costs associated with reconnection activities. To the extent technological advances reduce O&M costs, the amount of the related fees may be reviewed in a rate case or similar context. Imposing an automatic fee adjustment outside of a rate case, however, could unfairly exclude offsetting increases in rate base or other O&M expense.

**G. Rule 4901:1-18-08**

**1. Sections (A) & (G) – Landlord/tenant provisions.**

AEP recommends several changes to the landlord tenant rule. (AEP Comments at 4.) The Companies have concerns that some of the changes make it less clear how a utility is to provide notice of impending disconnection in a master-metered situation. Although AEP’s recommendation assumes mail will be sufficient to provide notice, the Companies’ experience is that the added step of posting notice is frequently beneficial. The Companies believe that the rule

is understandable and clear as written, and better suited to ensure notice is received, and recommend preserving it without change.

#### **H. Rule 4901:1-18-10**

##### **1. Section (A) – Former customers residing at the premises.**

Dayton Power and Light (DP&L) recommends revising this rule to clarify that refusal of service is permitted where a former customer failed to pay for service and that customer “continues to reside at the premises.” (DP&L Comments at 3.) DP&L states well the rationale for this proposal and demonstrates its consistency with other provisions of law. The Companies support this recommendation.

#### **I. Rule 4901:1-18-12**

##### **1. Section (B) – Period of review to determine income eligibility for PIPP.**

This rule provides guidance regarding PIPP eligibility determinations, requiring review of “household income for the past three months . . . annualized.” OPAE recommends using “30 days of income annualized to determine eligibility.” (OPAE Comments at 5.) The Companies believe that the 90-day analysis provided in the existing rule better ensures that eligibility determinations are not skewed by short-term fluctuations in income, and they recommend maintaining the current requirement.

##### **2. Section (D) – Reverification grace period; making up missed PIPP payments.**

###### **a. OCC & OPAE Comments**

OCC recommends extending the grace period for reverification of eligibility from 60 to 90 days. (OCC Comments at 4.) Although the Companies do not necessarily object to OCC’s recommendation in principle, a change to extend the grace period for reverification of eligibility to 90 days may require significant programming changes and/or system upgrades. For VEDO in particular, a change to 90 days would require VEDO to make a modification to the existing

billing system, the cost and timing of which is unknown at this time. The Companies do not believe that OCC has shown that the expected benefits of its proposed change would outweigh the potential costs. Thus, the Companies recommend that the Commission reject this recommendation or grant waivers as necessary for those companies affected, if the recommendation is accepted.

The Companies also object to OCC and OPAE's recommendation to eliminate or significantly limit the obligation to make up missed PIPP payments at the anniversary date (*see id.* & OPAE Comments at 5–6), for reasons stated in the Companies' general reply comments above.

**b. Duke Comments**

Duke recommends significant changes to the PIPP program: “simplifying PIPP Plus rules by removing voluntary removals,” “having one set of rules for all PIPP Plus re-enrolls/reinstates,” and “limiting the number of months customers are responsible to pay in order to reenroll/reinstate in the program” to “twelve months.” (Duke Comments at 4.) Duke makes similar comments with regard to Rule 4901:1-18-15(E) and (F).

Duke's comments do not appear to include a mark-up reflecting the recommended changes, so it is unclear to the Companies what exactly is proposed on some of the topics. For that reason, the Companies are unable to support the comments at this time. The Companies do not support the proposal to limit customers to making up 12 months of missed payments as a condition of reenrolling in PIPP, for the reasons stated in their general reply comments above.

**c. TBA Comments**

Similarly, TBA recommends reducing or capping (at 24 months) the number of missed payments that customers must make up to re-enroll in PIPP. (TBA Comments at 1.) The

Companies do not support this proposal, again for the reasons stated in their general reply comments.

**J. Rule 4901:1-18-13**

**1. Section (A) – Percentage of income required.**

TBA recommends reducing the percentage of income, or capping the dollar amount of payments, required to participate in PIPP. (TBA Comments at 1–2.) The Companies do not support this proposal, for the reasons stated in their general reply comments. In addition, any change to the percentage of customer’s income they are required to pay under the PIPP Plus Program may require significant programming changes and/or system upgrades, including modifications to existing billing systems, the cost and timing of which is unknown at this time, and would likely require a temporary waiver to enable implementation.

**K. Rules 4901:1-18-15, -16, and -17**

**1. Section 4901:1-18-16(D) – Graduate PIPP program.**

TBA makes numerous recommendations, including to extend the Graduate PIPP Program from 12 to 18 months. (TBA Comments at 2.) The full extent of TBA’s recommendations is not clear to the Companies, as TBA did not propose specific textual revisions. The Companies, however, do not object in principle to the limited concept of extending Graduate PIPP from 12 to 18 months, although they note that this change may require significant programming changes and/or system upgrades, including modifications to existing billing systems, the cost and timing of which is unknown at this time, and would likely require a temporary waiver to enable implementation.

The Companies specifically disagree with the “alternative” proposal to roll past-due PIPP payments into arrearages and allow immediate participation in Graduate PIPP. The potential for abuse (both of the PIPP and the Graduate PIPP Programs) is clear, and this proposal could

eliminate the incentive for PIPP customers to make payments on time and in full. The Commission should not adopt this recommendation.

## **2. Section 4901:1-18-17(B) – Reverification.**

TBA recommends that “Customers should have at the minimum 30 days from the date of re-verification to be rejected for a failure to catch up their PIPP Plus accounts.” (TBA Comments at 2.) The Companies do not understand this proposal. The requirement to make up missed PIPP payments is on the anniversary date, not the reverification date. And the rules already provide for a 60-day grace period to reverify eligibility. As it not clear to Companies what TBA is recommending here, the Companies cannot support this proposal.

## **3. Various sections – Reduction in PIPP customer payment responsibility.**

OCC and OPAE propose numerous changes to these chapters that, individually and even more so collectively, would significantly limit the amount a customer must pay to participate or reenroll in the program. Both OCC and OPAE would reduce or eliminate amounts needed to maintain participation or to be reinstated. And OCC proposes extending the 12-month “Post-PIPP” payment plan to 36 months, and drastically limiting the amount a customer removed from PIPP must pay towards their arrearages.

The Companies do not question the good intentions behind all of these recommendations, but the Companies do not support these changes for the reasons stated in their general reply comments above. The Companies believe that the PIPP program is already a generous one. The reality is that changes like these create a bill that someone else has to pay. OCC and OPAE have not justified that outcome.

#### IV. CONCLUSION

The Companies appreciate the opportunity to file comments regarding the proposed rules. For the foregoing reasons, the Companies respectfully request that the Commission act in accordance with their initial and reply comments.

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Respectfully submitted,

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