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review.<sup>1</sup> The recommendations submitted by the Consumer Groups<sup>2</sup> address necessary and appropriate changes to the rules.

The recommended changes to these rules identified in Consumer Groups' comments should be adopted as they protect vulnerable consumers. Comments were filed by Ohio Power Company ("AEP Ohio"), Ohio Edison Company, the Cleveland Electric Illuminating Company, and the Toledo Edison Company (collectively, "FirstEnergy"), the Dayton Power & Light Company ("DP&L"), the East Ohio Gas Company d/b/a Dominion Energy Ohio and Vectren Energy Delivery of Ohio, Inc. ("DEO/VEDO"), Duke Energy Ohio, Inc. ("Duke"), Columbia Gas of Ohio, Inc. ("Columbia"), Interstate Gas Supply, Inc. ("IGS"), Ohio Partners for Affordable Energy ("OPAE"), The Breathing Association, and the Citizens Coalition. The Consumer Groups' Reply Comments respond to the recommendations made in these other filings that impact consumer protections.<sup>3</sup>

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<sup>1</sup> R.C. 111.15(B) and 106.03(A).

<sup>2</sup> Initial Comments of the Advocates for Basic Legal Equality, Inc., The Legal Aid Society of Cleveland, The Legal Aid Society of Columbus, The Legal Aid Society of Greater Cincinnati, The Office of the Ohio Consumers' Counsel, Ohio Poverty Law Center, Pro Seniors, Inc., and Southeastern Ohio Legal Services (July 19, 2019).(collectively, "Consumer Groups"). These reply comments also support the separate comments of a number of legal aid societies that were filed with ODSA and recently included in the PUCO docket (*see* August 9, 2019 Entry), that proposed a separate application for customers who do not meet the eligibility and documentation requirements for the federal energy assistance programs. These reply comments also support the comments of The Breathing Association recently included in this docket. *See*, August 9 Entry.

<sup>3</sup> Failure to respond to any particular proposal should not be deemed to be acquiescence to that proposal.

**II. RESPONSES TO SECTION ONE RECOMMENDATIONS (PIPP PLUS RULES AND NON-PIPP PLUS RULES CONTAINED IN OHIO ADM. CODE CHAPTERS 4901:1-18 AND 122:5-3) FOR THE PROTECTION OF AT-RISK CONSUMERS.**

**A. Consumer Protection Recommendations for the PIPP Rules.**

- 1. Both the Public Utilities Commission of Ohio (“PUCO”) and the Ohio Development Services Agency (“ODSA”) should standardize the rules under Ohio Adm. Code 4901:1-18-12 and 122:5-03 related to payments that customers must make to re-enroll on PIPP when customers missed PIPP payments during those months that customers were actively enrolled in PIPP.**

The Percentage of Income Payment Plan (“PIPP”) Plus is the essential link for having natural gas and electric services for many low-income Ohioans. The vast majority of PIPP customers have household incomes that are well below the federal poverty guidelines.<sup>4</sup> In fact, most participants have household incomes that are below 75% of the poverty guidelines. For a family of three, this means that the annual household income is below \$21,300.<sup>5</sup> Almost 14.5% of Ohio homes are “food insecure,” meaning that there is insufficient daily access to food for maintaining a safe and healthy environment in the home.<sup>6</sup> The protection of essential gas and electric services for the Ohioans who are living in these circumstances is extremely important.

In initial comments, the Consumer Groups recommended specific changes in reverification dates, requirements for missed PIPP payments, and access to post PIPP benefits to help customers more effectively use the PIPP program. One of the major

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<sup>4</sup> In comments, Columbia Gas of Ohio recommended an additional review to look at expanding the eligibility for participating in PIPP. Consumer Groups are not opposed to an evaluation if the program can be provided in a cost-effective manner that helps all low-income customers avoid loss of utility services.

<sup>5</sup> <https://aspe.hhs.gov/poverty-guidelines>.

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[https://public.tableau.com/profile/feeding.america.research#!/vizhome/2017StateWorkbook-Public\\_15568266651950/CountyDetailDataPublic](https://public.tableau.com/profile/feeding.america.research#!/vizhome/2017StateWorkbook-Public_15568266651950/CountyDetailDataPublic).

impediments to customers being able to stay on the PIPP program is the requirement to make up missed PIPP payments.

Under the proposed ODSA rules, customers are responsible for making missed PIPP payments for those months that customers were actively enrolled in PIPP. In contrast, under the PUCO's more restrictive proposed rules, customers are responsible for making PIPP payments even during months that they are disconnected or are using medical certificates to prevent disconnection. In this regard the Consumer Groups recommended that customers only be responsible for making missed PIPP payments during those months that the customer was actively enrolled on PIPP in order to re-enroll on the program.<sup>7</sup> FirstEnergy also suggested that customers should be able to re-enroll on PIPP by making missed PIPP payments for months that the customer was actively enrolled on PIPP.<sup>8</sup>

In contrast, Duke proposed limiting the number of months that customers must pay to re-enroll on PIPP to 12 months as opposed to indefinitely.<sup>9</sup> DP&L commented that ODSA should continue requiring customers to pay missed PIPP payments even for months that customers are not actively enrolled on PIPP.<sup>10</sup> FirstEnergy further recommended that any monthly charges that are owed during months that the customer was not enrolled in PIPP could be added to the customer arrearages.<sup>11</sup> This is similar to

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<sup>7</sup> Consumer Groups Initial Comments at 9-10.

<sup>8</sup> Comments of Ohio Edison Company, The Cleveland Electric Illuminating Company, and the Toledo Edison Company ("First Energy") at 3 (July 19, 2019).

<sup>9</sup> Initial Comments of Duke Energy Ohio, Inc. at 4 (July 19, 2019).

<sup>10</sup> Comments of the Dayton Power & Light at 6 (July 19, 2019).

<sup>11</sup> *Id.*



the pre-PIPP arrearages that are currently tracked and collected through the Universal Service Fund (“USF”). The Citizens Coalition recommended that missed PIPP payments be limited to an amount not to exceed \$100.<sup>12</sup>

Customers should only be responsible for paying missed monthly PIPP installments for months that customers are actively enrolled on PIPP in order to re-enroll on PIPP.<sup>13</sup> The balances that can accrue for making missed PIPP payments during months that customers are not actively enrolled on PIPP can be cost prohibitive for many customers (and social service agencies that support customers) to be able to re-enroll on PIPP. Yet PIPP is the only viable payment plan option for many low-income customers to maintain utility service. There are many benefits for both the PUCO and ODSA to standardize gas and electric PIPP rules so that customers fully understand their payment requirements under the program. Consumer groups recommend that the only payments required from customers to re-enroll on gas or electric PIPP are the monthly PIPP installments that were not paid while the customer was actively enrolled on PIPP.

**B. Consumer Protection Recommendations for the ODSA PIPP Rules.**

- 1. Under Ohio Adm. Code 122:5-3-05, ODSA should explicitly limit the pre-PIPP arrearages that can be paid through the USF to rates that do not exceed the utility’s Standard Service Offer (“SSO”).**

IGS commented that suppliers who perform supplier consolidated billing should be able to collect pre-PIPP arrearages through the USF.<sup>14</sup> Supplier consolidated billing involves marketers who bill customers for both marketer charges and the utility charges

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<sup>12</sup> Comments by the Citizens Coalition at 5 (July 22, 2019).

<sup>13</sup> Consumer Groups Initial Comments at 4.

<sup>14</sup> Initial Comments of Interstate Gas Supply, Inc. at 3 (July 19, 2019).

on a single monthly consolidated bill. While supplier consolidated billing is limited today to a few relatively small pilot programs, the practice could become more widespread in the future. Because marketer rates are not regulated by the PUCO, these rates can be substantially higher than the SSO rate that is charged by the electric utilities. And the high marketer rates could increase the costs of the USF above what it would otherwise be if customers were being charged the utility SSO rates.

To avoid potential future problems where pre-PIPP arrearages are driving up the costs of the USF (due to high marketer rates), ODSA should modify Ohio Adm. Code 122:5-3-05 to limit pre-PIPP arrearages that can be collected through the USF. The pre-PIPP arrearages that should be eligible for collection through the USF should not exceed what the charges would be under the utility's SSO.

**C. Consumer Protection recommendations for the Non-PIPP PUCO rules (Ohio Adm. Code 4901:1-18).**

- 1. The PUCO should reject AEP Ohio's proposal to modify Ohio Adm. Code 4901:1-18-02(D) to require customers who perform *any* electronic transactions or receive *any* electronic notices to perform *all* transactions and receive *all* transactions electronically.**

Ohio Adm. Code 4901:1-18-02(D) enables customers and a utility company to agree on having certain transactions and notices (including disconnection notices) provided electronically. AEP Ohio has proposed amending the rule such that if a customer agrees to receive *any* transactions or notices electronically, then *all* transactions and notices for that customer must be provided electronically.<sup>15</sup> AEP Ohio's proposal is overly broad and should be rejected by the PUCO because it places customers at risk for

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<sup>15</sup> Initial Comments of Ohio Power Company at 1 (July 19, 2019).

not receiving important notices and other information about their electric service. In addition, the PUCO should reexamine the effectiveness of permitting disconnection notices to be provided electronically.

Under AEP Ohio's proposal, customers who either receive or pay their monthly electric bills electronically would forgo their rights to have any transactions, or to receive any notices from the utility, in any form other than electronic. This is problematic in situations where customers may not have access to e-mail and other electronic means for receiving important notices pertaining to their utility services. For example, customers who are behind in their electric payments may have likely lost access to cable, internet, and cellular services and may be unable to electronically receive information that is important to their utility service(s). Under AEP's proposal, this would include disconnection notices, additional winter disconnection notices, personal notices on the day services are being disconnected, landlord/tenant notices, final bills, and a host of other important notices impacting customer rights and responsibilities.

Customers should have the right to decide which transactions and notices (if any) they receive electronically and which notices they receive in writing through the mail or in another form. Customers should be informed by the utility about any risks that they assume by receiving notices (like disconnection notices) electronically rather than through the mail or in-person.<sup>16</sup> Finally, if customers choose to have transactions and notices provided electronically, the utility should have the obligation to obtain written

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<sup>16</sup> For example, FirstEnergy and DP&L still must provide in-person notice to customers on the day service is to be disconnected. Only AEP Ohio and Duke have received waivers of this requirement in areas where they have installed advanced meters. Consumers in FirstEnergy and DP&L service territories should not lose this important consumer protection simply because they've agreed to receive *some* communications electronically.

consent from the customer specifying which transactions and notices will be performed electronically. AEP's proposal should be rejected.

**2. The PUCO should clarify under Ohio Adm. Code 4901:1-18-05(A) that utilities must work with customers to negotiate extended payment plans that are agreeable to the consumer and utility.**

Ohio Adm. Code 4901:1-18-05(A) requires utility companies to inform customers who are delinquent or seeking to avoid delinquency about the availability of payment extensions or other extended payment plans that can be arranged on terms that are mutually agreeable between the customer and the utility. To the extent that a customer and utility cannot agree on mutually acceptable payment terms, the utility is required to offer customers one of the PUCO-ordered payment plans that are specified in Ohio Adm. Code 4901:1-18-05(B).

Duke commented that its current practice is to offer additional-day extensions for payments, but not extended payment plans other than the payment plans that are required by the PUCO.<sup>17</sup> Duke sought clarification from the PUCO if a change in its current practices is required.<sup>18</sup>

The payment plans identified in Ohio Adm. Code 4901:1-18-05(B) are the minimum extended payment plans gas and electric utilities must offer their customers. The rule requires each utility company to proactively work with customers to develop extended payment plan terms that are mutually agreeable to both the customer and utility.

The payment plans required under the PUCO's rules go well beyond the extensions that Duke is offering its customers. The PUCO rules empower consumers to

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<sup>17</sup> Duke Initial Comments at 2.

<sup>18</sup> *Id.*

negotiate payment terms that they can actually manage. These win-win extended payment plans benefit both utilities and customers. Customers are far more likely to be able to keep a payment plan that is based on their specific financial needs as opposed to a plan that they really cannot afford. Utilities benefit from reduced collection expenses and the potential for reductions in uncollectible expenses. Duke's proposal should be rejected. The PUCO should clarify for Duke as well as all PUCO-regulated gas and electric utilities that Ohio Adm. Code 4901:1-18-05(A) requires them to work with customers in developing mutually agreeable extended payment plans.

Mutually agreeable extended payment plans are especially important for customers who are removed from PIPP and can have large account balances that may have accrued while the customer was on PIPP. The PUCO Staff proposed modifications to Ohio Adm. Code 4901:1-18-17(B) to require gas utilities to offer mutually agreeable extended payment plans to former PIPP customers. The Consumer Groups recommended that such a plan would not exceed \$25 per month plus the customer's current bill.<sup>19</sup>

The PUCO should modify Ohio Adm. Code 4901:1-18-05(A) as recommended by the Consumer Groups so that extended payment plans required of former PIPP customers will not exceed \$25 per month plus current charges. These payments will contribute to reductions in the cost of the USF and PIPP riders that will benefit all customers.

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<sup>19</sup> Consumer Groups Initial Comments at 8.

**3. The PUCO should reject Duke’s proposal to weaken medical certification minimum consumer protections under Ohio Adm. Code 4901:1-18-06(C).**

While the PUCO Staff did not propose any modifications to the medical certification rules in Ohio Adm. Code 4901:1-18-06(C), the Consumer Groups recommended improvements in the medical certification form to protect consumer privacy.<sup>20</sup> This is necessary because the current medical certification form available on the PUCO website permits patient health information to be redisclosed without the protections afforded under the Health Insurance Portability and Accountability Act (“HIPAA”).<sup>21</sup>

Under the current rules, Ohio families can obtain a stay on service disconnections for non-payment if a medical professional certifies that any member of the household has a medical condition that is especially dangerous to the individual’s health. Medical certifications can also be used to stay disconnections if energy is needed to operate medical equipment that is necessary to sustain life. Each household may seek approval from medical professionals for up to three medical certifications in a twelve-month period (each staying the disconnection for up to 30 days). This is a necessary consumer protection.

Duke, however, proposed four modifications that are harmful to consumers to the medical certification rules.<sup>22</sup> Duke proposed amending Ohio Adm. Code 4901:1-18-06(C)(2)(e) to require customers to satisfy any default on an extended payment plan

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<sup>20</sup> *Id.* at 16.

<sup>21</sup> *Id.*

<sup>22</sup> Duke Energy Initial Comments at 3-4.

before being permitted to use another medical certification.<sup>23</sup> Duke also proposed that customers must obtain medical certification approval from a medical professional within ten days as opposed to the 21-day requirement in the rules.<sup>24</sup> Duke further proposed limiting the times when it is required to process medical certifications to exclude company holidays and weekends.<sup>25</sup> Finally, Duke proposed that customers should be limited to two medical certifications in a 12-month period, instead of the three currently allowed in the rule.<sup>26</sup>

The PUCO should reject Duke's proposed modifications to Ohio Adm. Code 4901:1-18-06(C). First, Ohio law requires the PUCO to establish rules that protect medically fragile consumers including elderly and the handicapped from being disconnected for non-payment.<sup>27</sup> Ohio Revised Code 4928.02(L) requires the protection of at-risk consumers, which would include those with medical needs. Duke's proposal reduces the current PUCO minimum standards pertaining to medical certifications and would result in the health and safety of more consumers being placed at risk. Reducing the number of medical certifications available in a 12-month period and attaching unreasonable and unnecessary limitations on their use hurts at-risk consumers and contravenes Ohio law.

Duke provided no rationale or support for any of its anti-consumer proposals. Ironically, Duke and other utilities are not at risk financially if customers do not pay their

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<sup>23</sup> *Id.* at 3.

<sup>24</sup> *Id.*

<sup>25</sup> *Id.*

<sup>26</sup> *Id.* at 4.

<sup>27</sup> R.C. 4933.122(C).

bills because the customers' bad debt is collected through a variety of riders on the bill. Thus, Duke is proposing changes in the medical certification rules that significantly place customers' health and safety at risk when, in fact, the utility bears none of the financial risks.

Additionally, given that electric utilities are deploying smart meters in large numbers across the state that can be remotely reconnected from the utility's back offices, medical certifications should be able to be processed at any time where there are smart meters, to avoid medically fragile customers being without electric service. The remote reconnection capabilities of smart meters are touted by the utilities as one of the benefits consumers receive from these very expensive meters.<sup>28</sup> In initial comments, the Consumer Groups recommended that advanced metering infrastructure ("AMI" or "advanced") meters be reconnected within one-hour after payment is made.<sup>29</sup> Similarly, reconnections should also be completed within one-hour after a medical certification form is provided to the utility to protect the health and safety of customers.

**4. The PUCO should eliminate collection trip charges to customers if a utility does not provide the capability to dispatch an employee to accept payment in lieu of disconnecting service in Ohio Adm. Code 4901:1-18-07(C).**

The PUCO Staff proposed no amendments to Ohio Adm. Code 4901:1-18-06(A)(4) related to options that are available to consumers for making payment in the field to avoid disconnection. FirstEnergy proposed amending these rules to eliminate the requirement for a utility to dispatch an employee to the customer's home to accept

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<sup>28</sup> For examples in Application in Case 13-1939-EL-RDR and 16-481-EL-UNC, Case No. 18-1875-EL-GRD.

<sup>29</sup> Consumer Groups Initial Comments at 15.



payment on the grounds of safety risks for employees.<sup>30</sup> Under FirstEnergy's proposed rule, an employee who is disconnecting service would have the option to either accept payment in lieu of disconnection or make available another means to avoid disconnection.<sup>31</sup>

Many Ohio utilities have field collection trip charges in their tariff to collect costs associated with dispatching an employee to a customer's home to accept payment.<sup>32</sup> If the PUCO accepts FirstEnergy's proposal, the PUCO should specify that collection charges must be removed from the tariff if a utility is not capable of dispatching an employee to the customer's home to accept payment. This clarification that limits the application of collection charges should also be added to Ohio Adm. Code 4901:1-18-07(C).

**5. The PUCO should reject DP&L's proposal to eliminate the requirement for utilities to provide personal notice on the day services are being disconnected if customers have a meter that can be remotely reconnected.**

The PUCO Staff did not propose any changes to Ohio Adm. Code 4901:1-18-06(A)(2) that requires utilities to provide customers with personal notice on the day that services are being disconnected. DP&L proposed modifications to the rules that would not require a personal notification if the customer has a meter with remote disconnection capabilities.<sup>33</sup> DP&L's proposals should be rejected by the PUCO. The personal notice on the day services are being disconnected provides consumers a last chance to make

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<sup>30</sup> FirstEnergy Initial Comments at 6.

<sup>31</sup> *Id.*

<sup>32</sup> See Ohio Edison Tariff, Sheet 75 as one example. Other electric utilities have equivalent collection trip charges.

<sup>33</sup> DP&L Initial Comments at 3.

payment to avoid being disconnected. In addition, the personal notice helps ensure that there are not extenuating circumstances in the customer's home that would or should delay a disconnection.

Also, the deployment of AMI systems with remote disconnection capabilities occurs over many years. It would be inappropriate to reduce the consumer protection requirements until and unless the deployment is fully complete and an assessment is performed of the impact on consumers of eliminating personal notice on the day services are disconnected.

**6. The PUCO should require disconnection notices in Ohio Adm. Code 4901:1-18-06(A) and (B) to expire within 30 days of the disconnection date stated on the notice if the services were not previously disconnected.**

The PUCO Staff proposed a modification to Ohio Adm. Code 4901:1-18-06(B)(3) that results in the additional ten-day disconnection notice that is provided to customers during the winter heating season expiring 60 days after the disconnection date on the bill if services were not previously disconnected. Once the ten-day notice expires, a utility would be required to then send a new ten-day notice. AEP Ohio commented that if the ten-day disconnection notice expires, a new fourteen-day notice pursuant to Ohio Adm. Code 4901:1-18-06(A) should be provided to consumers.<sup>34</sup>

The Consumer Groups agree with AEP Ohio that a new 14-day notice should be issued. However, the Consumer Groups do not agree that disconnection notices should expire after 60 days. If a utility does not disconnect service within 30 days of the disconnection date on the notice, a new 14-day disconnection notice should be provided

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<sup>34</sup> Comments of AEP Ohio at 2 (July 19, 2019).

to consumers. During the winter heating months, an additional ten-day disconnection notice following the 14-day notice would then be provided to consumers. This should help keep customers informed about the urgency that is needed to prevent a disconnection of service.

**7. The PUCO should modify Ohio Adm. Code 4901:1-18-07(B)(2) to reflect OP&E's proposal to limit the regular reconnection fee to \$10 for meters that have remote disconnection and reconnection capabilities.**

OP&E recommend that reconnection fees be limited to an amount not to exceed \$10 during normal hours and \$15 after regular hours for meters that have remote connection capabilities.<sup>35</sup> The Consumer Groups support this recommendation.

Currently, both Duke and AEP Ohio have either completed or have large-scale, ongoing AMI deployments where the meters can be remotely disconnected and reconnected. Duke's tariff supports a \$10 reconnection charge if the reconnection can be accomplished remotely.<sup>36</sup> However, AEP Ohio has installed over a million AMI meters and is continuing to charge a \$53 reconnection charge for remotely reconnecting meters.<sup>37</sup> AEP charges the same \$53.00 reconnection fee if the Utility sends an employee into the field to physically disconnect service at the meter. FirstEnergy has approval to begin a wide-scale AMI deployment in the near future<sup>38</sup> and DP&L has a pending application to deploy AMI meters.<sup>39</sup> To prevent customers from paying unjust and

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<sup>35</sup> Comments of Ohio Partners for Affordable Energy at 14 (July 19, 2019).

<sup>36</sup> Duke Energy Ohio Tariff, Sheet No. 92.4.

<sup>37</sup> AEP Ohio Tariff 3<sup>rd</sup> Revised Sheet No. 103-21.

<sup>38</sup> *In the Matter of the Filing by Ohio Edison Company, The Cleveland Electric Illuminating Company and the Toledo Edison Company of a Grid Modernization Business Plan*, Case No. 16-481-EL-UNC, Opinion and Order (July 17, 2019).

<sup>39</sup> *In the Matter of the Application of The Dayton Power and Light Company for Approval of Its Plan to Modernize Its Distribution Grid*, Case 18-1875-EL-GRD (December 21, 2018).

unreasonable reconnection charges, the PUCO should modify Ohio Adm. Code 4901:1-18-07(B)(2) to limit the reconnection charge to no more than \$10 for meters that are remotely controlled.

**8. The PUCO should reject AEP Ohio’s proposal to weaken the landlord-tenant provisions in Ohio Adm. Code 4901:1-18-08(A) and (G).**

The PUCO Staff did not propose any changes in the landlord-tenant provisions in Ohio Adm. Code 4901:1-8-08. No changes are needed. These rules set forth the notification requirements that must be provided to tenants before service can be disconnected for non-payment. Under the rules, if a landlord does not make payment for master-metered service where the utilities are included in the tenant’s rent, the utility must provide a 14-day notice to the landlord, and then another ten-day notice to the landlord and to each tenant. This notice is very important because it provides tenants with the information they need regarding their rights under Ohio Revised Code 5321 if the landlord fails to pay the utilities. These rights include legal remedies through the courts that can help tenants avoid disconnections or to get services reconnected as a result of a landlord’s failure to pay utility bills. This consumer protection should not be weakened.

AEP Ohio has proposed that instead of mailing the ten-day notice to individual tenants as required under the rules, it would mail the ten-day notice to “the landlord/agent and to the ‘premise’.”<sup>40</sup> This is a bad idea. Mailing a ten-day notice only to the “premises” provides no assurance that individual tenants will be informed of their rights under Ohio law. In fact, the “premise(s)”, would be a building, not a person. There is no

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<sup>40</sup> AEP Ohio Initial Comments at 4.

description in the AEP Ohio proposal of how the additional notices would be addressed to a building that has no name or specific mailbox. This likely will result in utility services being disconnected without notice to the tenants who have paid their rent (and utilities) to the landlord and are continuing to live in the premises. The most likely results of this change are that the tenant, who is not the customer, will not know that there will be a disconnection until it occurs. Remedies that are available to help tenants prevent disconnection through local ordinances or state laws such as escrow provisions are rendered meaningless under the AEP proposal.

Current Ohio Adm. Code 4901:1-18-08(A) and (G) should remain unchanged as originally proposed by Staff. The PUCO should reject AEP Ohio's proposed modifications to Ohio Adm. Code 4901:1-18-08(A) and (G).

**9. DP&L's proposed modifications to Ohio Adm. Code 4901:1-18-10(A) are unnecessary and create ambiguity on the reasons a utility can deny service to new applicants.**

Ohio Adm. Code 4901:1-18-10 forbids a utility from refusing service to a new applicant unless the new applicant and a former customer who has a delinquent account from the same address continue to reside at the same address. The PUCO Staff correctly proposed no modification to the rule. DP&L has proposed modifying the rule to eliminate the reference to the new applicant for service in determining if a former customer with a past due balance continues to reside at the premises.<sup>41</sup> DP&L's proposal should be rejected.

The purpose of this rule is to safeguard that a new applicant for utility service will not be refused service unless the former customer continues to reside at the same address.

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<sup>41</sup> DP&L Initial Comments at 3-4.

This is an important distinction because it should be presumed that the credentials of the new applicant stand on their own. DP&L's proposal could empower a utility to question every applicant for new service about the identity of all household members and the whereabouts of any former customers who may owe the utility money from the same address. This can cause unnecessary delay in initiating new service and potentially discriminate in the screening of new applicants. If it is later determined that a former customer with delinquency from the same address continues to reside with the applicant, the rules provide sufficient remedies that are consistent with Ohio law. The PUCO should not modify Ohio Adm. Code 4901:1-18-10(A) as proposed by DP&L.

**III. RESPONSE TO SECTION II RECOMMENDATIONS (PUCO RULES CONTAINED IN OHIO ADM. CODE CHAPTER 4901:1-17)**

**A. The PUCO should not modify Ohio Adm. Code 4901:1-17-04(B) until an evaluation is performed to determine the impact of additional deposits on consumers.**

The PUCO Staff proposed amending Ohio Adm. Code 4901:1-17-04(B) that would permit utility companies to assess a deposit if customers have not made full payment or payment arrangements for two consecutive bills. The Consumer Groups request that the PUCO Staff first determine that, prior to the PUCO adopting this modification, this proposal will not increase the number of customer deposits or have a disparate impact on consumers.

In its comments, Duke opined that this change will require a change in its billing systems and will result in many more "midlife" deposits.<sup>42</sup> DP&L claimed that this change can result in an increase in uncollectible expenses because past due debt could be

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<sup>42</sup> Duke Initial Comments at 1.

extended into an additional billing period. No additional details were provided by DP&L to support its claim. DP&L commented that the Staff’s proposed rule change would extend the collection of deposits over an additional billing period.<sup>43</sup>

If the proposed modification to Ohio Adm. Code 4901:1-17-04(B) results in the collection of more consumer deposits, this outcome is not in the public interest. Customer deposits are expensive and can contribute to the overall unaffordability of utility services. If customers are already struggling to pay gas and/or electric bills, an additional “midlife” deposit is not particularly helpful in securing payment or in helping customers avoid disconnection. In addition, because deposits are generally required to reconnect service following disconnection,<sup>44</sup> the “midlife” deposit would seemingly not have much impact on reducing uncollectible debt.

The PUCO should require Staff to evaluate the written credit procedures that each utility is required to maintain<sup>45</sup> to determine the impact that a “midlife” deposit will have on consumers. Changes in procedures that can result in customers being required to pay additional deposits should be discouraged. In addition, the PUCO should require Staff to evaluate the costs associated with modifying the utility billing systems to implement the “midlife” deposit. Each of these evaluations should be completed prior to the PUCO approving the Staff proposed rule changes in Ohio Adm. Code 4901:1-17-04(B).

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<sup>43</sup> DP&L Comments at 7.

<sup>44</sup> Ohio Adm. Code 4901:1-18-07(A)(2).

<sup>45</sup> Ohio Adm. Code 4901:1-17-02(D).

#### IV. CONCLUSION

While the Consumer Groups generally support the changes proposed by PUCO Staff and by ODSA to Ohio Adm. Code Chapters 4901:1-17 and 4901:1-18, additional changes need to be made to these very important consumer protection rules as discussed in the Consumer Groups' comments and reply comments. The PUCO should adopt the Consumer Groups' proposals, and reject the utility proposals discussed here.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of these Reply Comments was served on the persons stated below via electronic transmission, this 15th day of August 2019.

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