

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Duke)
Energy Ohio, Inc. for Approval of Bill) Case No. 19-1593-GE-UNC
Format Changes.)

**COMMENTS ON BEHALF OF RESIDENTIAL CONSUMERS
BY
THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

I. INTRODUCTION

The Public Utilities Commission of Ohio (“PUCO”) will determine the format of customer bills for electric and natural gas services served by Duke Energy Ohio, Inc. (“Duke”). The PUCO’s rules require that before any utility can change the format of its bills for electric and natural gas services, the utility must file the proposed bill format with the PUCO.¹ Duke originally filed an application to amend its bill format on August 27, 2019. However, on October 4, 2019, Duke resubmitted its proposed bill formats, supposedly to ensure clarity and completeness of the record.

While the resubmitted bill formats are better organized than the originally proposed utility bills filed by Duke, several deficiencies remain in the proposed bill formats. These deficiencies include inaccurate information about tariff charges, lack of information to customers if they do not pay charges to a marketer, failure to prominently display important information (including the price-to-compare), and inadequate notice of an upcoming disconnection. The Office of the Ohio Consumer’s Counsel (“OCC”) submits these

¹ Ohio Adm.Code 4901:1-13-11(D); Ohio Adm.Code 4901:1-10-22(C).

comments with recommendations for additional consumer protections that should be included on customer bills.

II. RECOMMENDATIONS

A. The PUCO should amend Duke's proposed bill format to provide accurate information to customers regarding the cost of reconnection.

Utility bills to customers should convey information that is important and useful for consumers, including charges for disconnection if payment is past due. Although Duke's proposed bill format informs customers of the cost of reconnection if the customer is disconnected for non-payment, it appears that the information about the cost to reconnect utility service is inaccurate and misleading. Duke's proposed bill format says the reconnection fee is \$25 for electric, \$17 for gas and \$38 for both. But this information is inconsistent with the information contained in the tariff approved by the PUCO. According to Duke's tariff, Duke is authorized to charge customers \$10 to reconnect an electric meter that can be reconnected remotely and \$69 for an electric meter that cannot be reconnected remotely.²

Duke has fully deployed advanced metering infrastructure ("AMI" or "smart meters") across its service territory. These meters can be remotely disconnected and reconnected by Duke. Therefore, the majority of Duke's electric reconnections should not require customers to pay more than the \$10. While OCC supports the use of the bill as a resource for informing customers about their rights and responsibilities as utility consumers, the PUCO should ensure that customer bills include only accurate information that is consistent with the utility's PUCO-approved tariff.

² P.U.C.O Electric No. 19, Sheet 92.4.

B. The PUCO should amend Duke's proposed bill format to provide accurate information to customers about the potential impacts of not paying charges to a marketer.

Duke's proposed bill format contains inaccurate information that is inconsistent with Ohio law regarding the customer impact associated with failure to pay charges to a marketer. The proposed bill format states: "Failure to pay charges for a competitive retail service may result in the loss of your contract and disconnection of service from the respective retail electric supplier."³ However, customers cannot be disconnected for failure to pay a marketer. This is a violation of R.C. 4928.10(D) and Ohio Adm.Code 4901:1-10-19(E)(2). Failure to pay competitive charges to a marketer may result in cancellation of the customer's contract with the marketer. The customers would then be returned to Duke's Standard Service Offer for electric service. Customers' utility service cannot be disconnected for failure to pay marketer charges. The PUCO should ensure that Duke's proposed bill format complies with Ohio law and PUCO rules.

C. The PUCO should amend Duke's proposed bill format to more prominently display the price-to-compare message.

For most of the bill formats proposed by Duke in its October 4 Correspondence, the electric price-to-compare notice is not prominently displayed on customer bills. The price-to-compare notice is extremely important to help customers determine if a marketer offer can help them save money compared to the utility's Standard Service Offer for electric service. Also, the price-to-compare message is important to help shopping customers more easily determine if the rate they are paying for electricity through a marketer is higher or lower than Duke's Standard Service Offer for electric service. This

³ On Page 2 of each of the proposed bills submitted by Duke in its Correspondence filed October 4, 2019 (underline emphasis added).

is helpful to prevent customers from paying higher electric bills than they would otherwise be required to pay.

Duke's proposed bill format buries the price-to-compare message toward the end of the bill where it is less noticeable by consumers. The one exception is the "condensed bill" where Duke has proposed to place the price-to-compare notice prominently on the front of the bill. The PUCO should require Duke to use the "condensed bill" format as the model for all types of bills issued by Duke. Accordingly, the PUCO should require Duke to prominently display the electric price-to-compare notice on the first page of all bills.

D. The PUCO should amend Duke's proposed bill format to more prominently display any disconnection notice that may be included along with the bill.

Duke's proposed bill format includes the fourteen-day disconnection notice that is required prior to shut-off.⁴ However, while the PUCO rules permit the notice to be included on the regular monthly bill, the notice has to be prominently identified as a disconnection notice.⁵ Duke's proposed bill format does not prominently display the disconnection notice. Duke's proposed bill format makes the disconnection notice look like all of the other information contained on the bill. The interests of OCC, Duke, and the PUCO should be aligned in ensuring that customers pay (or can pay) their utility bills and remain connected to utility services. To promote this interest, customers should be properly informed of a pending disconnection – without burying the disconnection notice in the proverbial fine print of the customer's bill. Duke's customers should be adequately

⁴ R.C. 4933.122.

⁵ Ohio Adm. Code 4901:1-18-06.

put on notice that a certain past due amount must be paid (and by when) to avoid utility service disconnected for non-payment.

Further, Duke's proposed bill format does not specifically separate past due natural gas charges from past due electric charges. Under Duke's proposal, customers are only informed about the combined amount that must be paid to avoid disconnection and loss of both services. But Ohio Adm.Code 4901:1-18-09(A) provides the customers of utilities with combined gas and electric operations, such as Duke, with the right to choose to retain either gas or electric service over the other. This is an important consumer protection that helps customers decide which service they wish to forego to minimize the impact of the shut-off. The PUCO should require Duke to separately display the past due electric and past due natural gas charges on any combined utility customer bills containing a disconnection notice.

E. The PUCO should amend Duke's proposed bill format to include additional information that would be helpful for consumers.

Duke asserts that its proposed bill format would coincide with its proposed Customer Connect Program, which is pending at the PUCO.⁶ Duke's proposed Customer Connect Program would replace its existing Customer Information System. But the Customer Connect Program could cost Duke customers almost \$78.6 million dollars if this expensive program is approved by the PUCO.

To ensure customers benefit from potential future programs approved by the PUCO, including Duke's proposed Customer Connect Program, the PUCO should require Duke to amend its bills to provide additional information to customers as soon as

⁶ See *In the Matter of the Application of Duke Energy Ohio for Authority to Adjust its PowerForward Rider*, Case No. 19-1750-EL-UNC (September 24, 2019).

Duke's billing system has the capability. First, with a modern billing system, Duke could include a price-to-compare message for shopping natural gas customers that contains the Gas Cost Recovery ("GCR") price. This would allow shopping customers to easily determine if they are paying more or less than the GCR price for their natural gas. Second, Duke should include a shadow-billing message on customer bills for shopping natural gas and electric customers. The shadow-billing message would provide shopping customers with comparison information about what they would have paid for electric and natural gas services if they were taking service under Duke's SSO or GCR. This would inform customers of cost savings they could obtain by switching to Duke's SSO or GCR. The PUCO should require Duke to amend its bill formats to include both the GCR price-to-compare and the shadow-billing message as soon as Duke's billing system is capable.

III. CONCLUSION

OCC appreciates this opportunity to submit comments on Duke's proposed bill format affecting all of Duke's utility consumers. To protect Duke's customers, the PUCO should adopt OCC's proposals regarding the format of Duke's utility bills for gas and electric service. The PUCO should ensure that Duke's bills are accurate and properly inform customers about their utility services.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of these Comments were served on the persons stated below via electronic transmission, this 6th day of November 2019.

/s/Ambrosia E. Logsdon
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The PUCO's e-filing system will electronically serve notice of the filing of this document on the following parties:

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Summary: Comments Comments on Behalf of Residential Consumers by The Office of The Ohio Consumers' Counsel electronically filed by Mrs. Tracy J Greene on behalf of Logsdon, Ambrosia E.