BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Proper Procedures and Process for the Commission's Operations and Proceedings During the Declared State of Emergency and Related Matters.	)	Case No. 20-599-GE-UNC
In the Matter of the Application of Duke Energy Ohio, Inc., Under the Commission's Proceedings During the Declared State Of Emergency, for a Reasonable Arrangement with Customers Served Under Rates DS, DP, and TS.	)	Case No. 20-0856-EL-AEC
In the Matter of the Application of Duke Energy Ohio to Modify its Economic Competitiveness Fund Rider and Request For Waivers.	)	Case No. 20-0857-EL-RDR

COMMENTS
BY OHIO PARTNERS FOR AFFORDABLE ENERGY

I. Introduction

On March 12, 2020, the Public Utilities Commission of Ohio ("Commission") initiated Case No. 20- 591-AU-UNC, In the Matter of the Proper Procedures and Process for the Commission's Operations and Proceedings During the Declared State of Emergency and Related Matters. ("State of Emergency Proceeding") The Commission then issued an Entry that, due to the declaration of a state of emergency, "directs all public utilities under its jurisdiction to review their service disconnection policies, practices, and tariff provisions and to promptly seek any necessary approval to suspend otherwise applicable requirements that may impose a service continuity

hardship on residential and nonresidential customers or create unnecessary COVID-19 risks associated with social contact."

On March 19, 2020, Duke Energy Ohio, Inc. ("Duke" or "Company") filed an application proposing a comprehensive plan ("Plan") to implement the Commission's directives in the State of Emergency Proceeding, seeking the Commission's approval of the Plan and associated relief.

On April 16, 2020, Duke filed an application for a reasonable arrangement that will temporarily reduce demand ratchet charges for certain non-residential customer classes during the summer of 2020 and enable Duke to recover the foregone revenues from the same classes.

On May 5, 2020, Duke filed a Second Motion seeking authority to proactively expand the bill payment options they can provide their customers as well as enable them to contact customers with these new options.

On April 27, 2020, the Commission issued an Entry establishing a procedural schedule in this matter and directed all interested parties to file motions to intervene and comments by May 7, 2020. The Commission requested parties file comments to assist the Commission in its review of the Company's Applications.

II. Comments

Ohio Partners for Affordable Energy ("OPAE") is an Ohio non-profit corporation with a stated purpose of advocating for affordable energy policies for low-and moderate-income Ohioans. OPAE has a long history of advocating for low- and moderate-income Ohioans as well as working with both the Commission and the Company to craft programs to serve vulnerable Ohioans. OPAE commends Duke for many of the steps is

has taken and is proposing to take to support the Company's customers during the challenges presented by COVID-19. OPAE is generally supportive of most of the Company's proposals and provides specific comments below.

A. Disconnection and Service Continuity Plan

The Company has requested to suspend disconnections during the COVID-19 emergency as well as to waive certain reconnection fees to ensure continuity of service during this emergency. OPAE appreciates the Company's requests on these issues and supports their position.

The Company has also requested the authority to proactively reach out to eligible customers, some of whom who have already stopped paying their bill, to offer flexible payment arrangements to avoid customers falling further into arrears. The Company opines that O.A.C. 4901:1-18-05(B) limits its ability to reach out and offer flexible plans by limiting plans to certain specific options based on the time of year. The Company believes that absent proactive outreach and the ability to craft customer suited solutions arrearages could unnecessarily increase and result in otherwise avoidable disconnections after the state of emergency.

OPAE disagrees with Duke's interpretation of O.A.C. 4901:1-18-05(B), because it fails to recognize that O.A.C. 4901:1-18-05(A) already permits the Company to negotiate a payment plan based on the ability to pay. We see no need for a waiver in or for the Company to negotiate affordable repayment plans.

OPAE also has concerns about Duke personnel proactively contacting consumers about their arrearages and negotiating a payment plan. In general, negotiated plans will be necessary to assist customers in once again becoming current

on their bills and eliminating arrears. However, these phone calls could also be used to coerce customers into entering into a repayment plan they cannot afford. If a customer remains out of a job and does not know when he or she will once again be employed, negotiating a plan based on the ability to pay is impossible, but the customer may believe it imperative to negotiate a plan to retain service. A more effective approach would be to send a letter or email, or even a robocall to the customer explaining the options available such as HEAP, PIPP and payment plans, along with an explanation of information the Company will consider during the negotiation of a plan. This will ensure that customers do not feel pressured to agree to a plan they will likely have difficulty complying with at that time. This is critical because if a customer negotiates a repayment plan and fails to comply, the Company is not required to renegotiate and the customer is subject to disconnection. O.A.C. 4901:1-18-05. The focus of communications should be on making customers aware of repayment options and encouraging them to contact to Company to negotiate a plan.

OPAE would note that in Pennsylvania authorizes its utilities to offer payment plans ranging from six months to sixty months for eligible low-income customers.[1] OPAE supports the Commission approving longer term payment plan options during the state of emergency and to consider amending the Rule in the pending rule review proceeding.

B. Reasonable Arrangement Request

The Company has requested to waive demand charges for non-residential customers served on Rate Schedules DS, DP, and TS for the duration of the

[1] Pennsylvania Statutes Title 66 Pa. C.S.A. Public Utilities §1405(b). https://codes.findlaw.com/pa/title-66-pacsa-public-utilities/pa-csa-sect-66-1405.html

Company's Plan. The Company proposes that the forgone demand charges be recovered via the Company's Economic Competitiveness Fund Rider (Rider ECF). The Company also seeks to implement a change in Rider ECF so that the proposed forgone revenues are only recovered through Rider ECF from the three non-residential customer groups that benefit from the proposal. Staff has suggested that this proposal be made available to those customers on an opt-in basis. Staff also offered an alternative payment plan mechanism if Rider ECF cannot be modified to ensure recovery of the foregone revenue is limited to the three stated groups. Finally, the Company has asked to collect carrying charges on the deferred revenue as there is financial harm in foregoing liquidity during the state of emergency.

OPAE does not oppose the Company lowering the demand percentage for the specified groups but only if those customers pay for that benefit. OPAE has no objection to either Duke's proposal or Staff's alternative proposal as both limit recovery to the benefiting classes, consistent with the position taken by the Commission in the Finding and Order issued in the AEP Ohio COVID-19 docket. Case No. 20-602-EL-UNC, Finding and Order (May 6, 2020) at pp. 13-14.

III. Conclusion

OPAE commends the Company for the actions it has taken and is proposing to take to protect its customers during this state of emergency. Additionally, OPAE thanks the Commission for the opportunity to provide input on the Company's proposals. OPAE respectfully requests the Commission consider OPAE's comments and incorporate OPAE's recommendations in the Commission's decision.

/s/Robert Dove
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CERTIFICATE OF SERVICE

I certify that The Public Utilities Commission of Ohio's e-filing system will electronically serve notice of the filing of this document on the parties referenced on the service list of the docket card who have electronically subscribed to the case.

/s/ Robert Dove
Robert Dove

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Summary: Comments electronically filed by Mr. Robert Dove on behalf of Ohio Partners for Affordable Energy