

# THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE MOTION OF  
VECTREN ENERGY DELIVERY OF OHIO,  
INC. TO SUSPEND CERTAIN PROCEDURES  
AND PROCESS DURING THE DECLARED  
STATE OF EMERGENCY AND RELATED  
MATTERS.

CASE NO. 20-649-GA-UNC

## SUPPLEMENTAL FINDING AND ORDER

Entered in the Journal on July 29, 2020

### I. SUMMARY

{¶ 1} The Commission approves, in part, the transition plan of Vectren Energy Delivery of Ohio, Inc. to terminate the waiver of certain provisions of the Ohio Administrative Code and corresponding provisions of its tariff and to return to pre-COVID-19 activities and operations, consistent with this Supplemental Finding and Order.

### II. DISCUSSION

#### A. *Procedural History*

{¶ 2} Vectren Energy Delivery of Ohio, Inc. (Vectren or Company) is a natural gas company and a public utility, as defined in R.C. 4905.03 and 4905.02, respectively. Therefore, Vectren is subject to the jurisdiction of this Commission.

{¶ 3} R.C. 4909.16 provides, in part, that, in the event of an emergency, when the Commission finds it necessary to prevent injury to the business or interests of the public or of any public utility, it may temporarily alter, amend, or suspend any existing rates or schedules.

{¶ 4} On March 9, 2020, the governor signed Executive Order 2020-01D (Executive Order), declaring a state of emergency in Ohio to protect the well-being of Ohioans from the dangerous effects of COVID-19. As described in the Executive Order, state agencies are required to implement procedures consistent with recommendations from the Department of Health to prevent or alleviate the public health threat associated with COVID-19.

Additionally, all citizens are urged to heed the advice of the Department of Health regarding this public health emergency in order to protect their health and safety. The Executive Order was effective immediately and will remain in effect until the COVID-19 emergency no longer exists. The Department of Health is making COVID-19 information, including information on preventative measures, available via the internet at [coronavirus.ohio.gov/](https://coronavirus.ohio.gov/).

{¶ 5} Pursuant to R.C. 3701.13, the Ohio Department of Health has supervision of “all matters relating to the preservation of the life and health of the people” and the “ultimate authority in matters of quarantine and isolation.” On March 12, 2020, the Director of the Ohio Department of Health issued an Order indicating that “all persons are urged to maintain social distancing (approximately six feet away from other people) whenever possible.” On March 22, 2020, and as amended on April 2, 2020, the Director of the Ohio Department of Health issued an Order directing that from March 23, 2020, until May 1, 2020, with certain outlined exceptions, “all individuals currently living within the State of Ohio are ordered to stay at home or at their place of residence except as allowed in [the] Order. \* \* \* All persons may leave their homes or place of residence only for Essential Activities, Essential Governmental Functions, or to participate in Essential Businesses and Operations,” as defined in the Order.

{¶ 6} On March 12, 2020, the Commission initiated Case No. 20-591-AU-UNC and directed all utility companies in this state to review their disconnection procedures in light of the state of emergency. *In re the Proper Procedures and Process for the Commission's Operations and Proceedings During the Declared State of Emergency and Related Matters*, Case No. 20-591-AU-UNC (*Emergency Case*), Entry (Mar. 12, 2020) at ¶ 7. On March 13, 2020, the Commission extended its winter reconnection order through May 1, 2020, and directed all utility companies in this state to review their reconnection procedures. *Emergency Case*, Entry (Mar. 13, 2020) at ¶ 6. In the March 12, 2020, and March 13, 2020 Entries, the Commission also directed all utility companies to promptly seek any necessary approval, for the duration of the emergency, to suspend otherwise applicable disconnection or reconnection requirements that may impose a service continuity or service restoration

hardship on residential and non-residential customers or create unnecessary COVID-19 risks associated with social contact. The Commission determined that such filings shall be deemed approved on an emergency basis for a period of at least 30 days effective as of the filing date or until such date as the Commission may otherwise specify, which shall not be less than 30 days.

{¶ 7} On March 20, 2020, in the *Emergency Case*, the Commission directed all utility companies to suspend in-person, actual meter readings in circumstances where a meter is located inside a customer's home or similar location, as well as all other non-essential functions that may create unnecessary COVID-19 risks associated with social contact, including, but not limited to, in-home energy efficiency audits, weatherization programs, in-premises inspections not prompted by an identified safety-related concern, and other similar initiatives. The Commission also clarified that requests for accounting authority or incremental cost recovery related to the emergency will be addressed in each utility's individual case by subsequent entry. *Emergency Case*, Entry (Mar. 20, 2020) at ¶¶ 10-11, 13.

{¶ 8} On March 24, 2020, in the above-captioned case, Vectren filed a motion to suspend or modify certain policies and practices and to seek a waiver of various provisions of the Ohio Administrative Code, including, but not limited to, Ohio Adm.Code 4901:1-13-04(D) and (G), 4901:1-13-05(A) through (D), 4901:1-13-08(E), 4901:-13-10(B) through (E), 4901:1-18-07(A) through (C), 4901:1-18-12(C) and (D), 4901:1-18-16(D), and 4901:1-18-17(A) and (B), its related tariff requirements, and other policies or requirements to avoid a service continuity or service restoration hardship on customers or an unnecessary risk of social contact.

{¶ 9} On April 8, 2020, in the *Emergency Case*, the Commission, among other things, extended the 30-day automatic approval period for filings to suspend otherwise applicable disconnection requirements for an additional 30 days, unless otherwise ordered by the Commission. *Emergency Case*, Finding and Order (Apr. 8, 2020) at ¶ 9.

{¶ 10} On May 20, 2020, Vectren filed a motion for extension of the suspension of, modification to, or waiver of rules, tariff provisions, and applicable policies and practices requested in its motion filed on March 24, 2020. By Entry issued May 21, 2020, Vectren's motion for an extension was granted until the Commission specifically orders otherwise.

{¶ 11} On June 3, 2020, the Commission granted, in part, the motion of Vectren for waiver of certain provisions of the Ohio Administrative Code and corresponding provisions of the Company's tariff, consistent with Staff's recommendations and modifications, and consistent with the Finding and Order. Further, in recognition of the state's relaxation of social distancing restrictions, the Commission directed Vectren to work with Staff to develop a single, comprehensive plan to resume activities and operations to pre-COVID-19 operations, including timelines, and file the plan at least 45 days prior to resuming such activities and operations. Interested persons were directed to file comments within ten days after the filing of the plan. June 3, 2020 Finding and Order at ¶ 54.

{¶ 12} On June 30, 2020, Vectren filed its plan to resume pre-emergency operations and activities in compliance with specific provisions of the Ohio Administrative Code and related provisions of the Company's tariff.

{¶ 13} On July 10, 2020, Ohio Consumers' Counsel (OCC) and Ohio Partners for Affordable Energy (OPAE) filed comments on Vectren's transition plan.<sup>1</sup>

## ***B. Review of Vectren's Emergency Transition Plan and the Comments***

### **1. RESUMPTION OF ACTIVITIES SUSPENDED DUE TO SOCIAL CONTACT**

{¶ 14} In its transition plan, Vectren states that, in mid-March 2020, the Company activated its Pandemic Preparedness Plan and continues to monitor the updates and impacts of COVID-19 while implementing and following its emergency action plans and enhanced

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<sup>1</sup> On July 6, 2020, OCC filed an application for rehearing of the Commission's June 3, 2020 Finding and Order, granting, in part, Vectren's motion for waiver. OCC's application for rehearing is addressed in a separate Commission order.

safety protocols based on the guidelines issued by Centers for Disease Control and Prevention (CDC) and local government entities. Vectren states that, in addition to acquiring personal protective equipment (PPE) for employees working in the field who have the potential to come in close contact with customers, Vectren implemented enhanced safety protocols to prevent the spread of COVID-19 and to protect the health and safety of its customers, employees, and contractors. Vectren declares that its policies and procedures for customer interaction and field work comply with applicable guidelines issued by the Ohio Department of Health and the governor's office, including the Ohio Director of Health's April 30, 2020 Stay Safe Ohio Order, as amended May 20, 2020 (Stay Safe Order) and the governor's Responsible RestartOhio protocols, including, but not limited to: training and directing employees to follow social distancing guidelines; requiring, when mandated by local orders, that employees and contractors wear PPE, such as face coverings or equivalent and safety glasses, when entering customers' homes and businesses; asking a series of questions before scheduling customer appointments to determine whether any household members or business personnel are experiencing symptoms consistent with COVID-19 or have been exposed to COVID-19; equipping employees with hand sanitizer, latex/nitrile gloves, and shoe covers in their vehicles for use before entering a home or business and emphasizing good hygiene, including washing and sanitizing hands before entering and after leaving customers' homes or businesses; disinfecting or wiping down tools prior to loading field vehicles; increasing the frequency of cleaning and disinfecting facilities and vehicles; leveraging technology to minimize face-to-face contact and meeting and directing field employees to attempt to resolve service issues without entering homes or businesses; and requiring employees to stay home if they are experiencing symptoms consistent with COVID-19, have been exposed to COVID-19, or are not feeling well. Specific provisions of Vectren's transition plan to resume pre-emergency activities and operations are discussed below.

*a. Bare Steel and Cast-Iron Replacement and Grade 3 Leaks*

{¶ 15} Vectren proposes to resume on July 1, 2020, bare steel and cast iron (BSCI) pipe replacement and grade 3 leak repairs that could result in a service interruption and thereby enhance the possibility of social contact, while incorporating enhanced safety protocols.

{¶ 16} OPAE endorses the safety measures proposed by Vectren as in compliance with various guidelines and consistent with those proposed by other utilities.

{¶ 17} The Commission finds Vectren's proposal to resume the replacement of BSCI pipe and the repair of grade 3 leaks, that may result in a service interruption, to be reasonable, considering the use of PPE, enhanced safety protocols, and the Company's compliance with the guidelines issued by the governor's office, the Ohio Department of Health, and local orders. Therefore, this aspect of Vectren's transition plan should be approved and compliance with the requirements set forth in Ohio Adm.Code 4901:1-13-05(D) reinstated.

*b. Meter Testing, Meter Relocations, Service Upgrades, Service Line Repairs, Other Field Activities, and Related Performance Requirements*

{¶ 18} Vectren notes that field activities that were not critical to maintain or reconnect natural gas service, such as meter testing, meter relocations, service upgrades, and service line repairs, were suspended in mid-March 2020 and remain suspended at this time. Vectren, after consultation with Staff, resumed meter testing at the customer's request on June 15, 2020, and resumed meter relocations, service upgrades, and service line repairs and/or replacements on July 1, 2020, incorporating enhanced safety protocols.

{¶ 19} In its motion for suspension, Vectren requested and was granted a waiver from certain performance requirements under the Ohio Administrative Code related to call center response times and complaint handling procedures for residential and small commercial customers. In its transition plan, Vectren states that, after consultation with Staff, as of June 15, 2020, the Company resumed pre-emergency practices related to the

processing of customer complaints, call center telephonic response times, and the scheduling of customer appointments pursuant to Ohio Adm.Code 4901:1-13-05(A) through (C) and 4901:1-13-10(B) through (E). Effective July 1, 2020, Vectren proposes to resume application of the requirements set forth in Ohio Adm.Code 4901:1-13-07(A) through (C)<sup>2</sup> and 4901:1-13-08(E). Vectren states that, consistent with the Commission's Finding and Order, the Company will track and report any missed guidelines pursuant to the requirements of Ohio Adm.Code 4901:1-13-05.

{¶ 20} Further, Vectren notes that, in addition to the activities specifically listed in its March 24, 2020 motion to suspend, the Company curtailed other field activities during the emergency, which, unless otherwise stated in this transition plan, the Company has largely resumed based on discussions with Staff, subject to appropriate precautions and social distancing measures outlined in this transition plan.

{¶ 21} As previously noted, OPAE endorses the safety measures implemented by Vectren as in compliance with various guidelines and consistent with those proposed by other utilities. Further, OPAE has no objection to this aspect of Vectren's proposed transition plan and applauds the measured restart of field activities associated with repairs, where service may be interrupted, as well as meter testing, meter relocations, service upgrades, and applicable customer service response standards.

{¶ 22} The Commission finds that, in light of the PPE and other precautions implemented by the Company, Vectren's transition plan to resume meter testing, meter relocations, service upgrades, service line repairs, and related performance standards is reasonable and, therefore, the Company's request to resume compliance with the requirements of Ohio Adm.Code 4901:1-13-04(D), Ohio Adm.Code 4901:1-13-05(A), (B), and

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<sup>2</sup> While Vectren's transition plan refers to Ohio Adm.Code 4901:1-13-07(A) through (C), no such provisions of the Ohio Administrative Code exist. Ohio Adm.Code 4901:1-13-07 pertains to employee identification. Considering Vectren's motion for waiver included the temporary suspension of Ohio Adm.Code 4901:1-18-07(A) through (C), the Commission addresses this aspect of the transition plan in the disconnection and reconnection section of this Supplemental Finding and Order.

(C), Ohio Adm.Code 4901:1-13-10(B) through (E), and related tariff provisions, should be granted.

*c. Meter Reading*

{¶ 23} Vectren states that, consistent with the Commission's directives in the *Emergency Case*, Vectren suspended all in-person, actual meter readings, including such readings to initiate or terminate service. Following discussions with Staff, Vectren proposes to resume such meter reads 45 days after the filing of this transition plan, subject to appropriate precautions and social distancing measures in accordance with public health guidelines and enhanced safety protocols as previously discussed above.

{¶ 24} OPAE supports Vectren's transition plan in regard to the Company's proposal to resume in-person meter readings 45 days after the filing of the transition plan, on or about August 15, 2020, and to provide initial or final readings for requesting customers.

{¶ 25} The Commission finds Vectren's proposal to resume in-person meter reading, with the implementation of enhanced safety protocols and compliance with the guidelines issued by the governor's office, Ohio Department of Health, and local orders, to be reasonable, particularly in light of the governor's Responsible RestartOhio protocols. Accordingly, Vectren's request to terminate the suspension of Ohio Adm.Code 4901:1-13-04(G), as to in-person meter reading, should be granted.

*d. Weatherization and Demand-Side Management Programs*

{¶ 26} In response to the emergency, Vectren suspended components of the Company's demand-side management (DSM) programs, including all in-home energy efficiency (EE) programs, weatherization programs, and inspections, to reduce the risk associated with social contact. Vectren, however, continued to process rebates submitted by customers and contractors. June 3, 2020 Finding and Order at ¶ 17. Vectren states that the Ohio Development Services Agency (ODSA) authorized Community Action Program



(CAP) agencies to resume weatherization activities subject to compliance with industry best practices, including PPE, such as gloves, respirators, shields, glasses, coveralls, booties, and cloth face coverings or equivalent. Accordingly, following discussions with Staff, Vectren proposes to resume its in-home EE programs, including audits, weatherization, and inspections, on July 1, 2020.

{¶ 27} OPAE supports Vectren's resumption of weatherization and DSM programs, including low-income and in-home energy audits, and notes that CAP agencies are following CDC and Department of Health guidelines, as well as implementing additional best practices developed based on experience and federal guidance. OPAE advocates that weatherization and the other DSM programs provide a positive health impact for persons with chronic health conditions which render them susceptible to the coronavirus. Therefore, with the precautions undertaken by Vectren, OPAE endorses the resumption of the Company's weatherization and DSM programs.

{¶ 28} OCC contends, considering recent announcements that the number of coronavirus cases is increasing across the state of Ohio, that Vectren's proposal to resume EE programs, including in-home inspections, audits, and weatherization, is premature and presents an unnecessary risk to consumers' health and safety. OCC advocates that the Commission reject Vectren's proposal and revisit the issue when the pandemic is subsiding and there is an effective vaccine. To bolster this point, OCC points to the Commission's directive to suspend non-essential functions that could spread COVID-19 risks, which includes in-home EE audits, weatherization programs, in-premises inspections not prompted by an identified safety-related concern, and other similar initiatives. *Emergency Case*, Entry (Mar. 20, 2020) at ¶ 10. Because EE audits and weatherization programs are not necessary to the provision of safe utility service, OCC claims there is no legitimate reason for Vectren to resume these non-essential functions before the emergency is over.

{¶ 29} Upon review, the Commission finds Vectren's transition plan to include appropriate PPE and precautions to resume the Company's DSM programs, including in-

home EE programs, audits, weatherization programs, and inspections, in light of the state's relaxation of social distancing restrictions. The Commission acknowledges that, even with the precautions Vectren has outlined, some customers will nonetheless refuse access. Vectren shall offer to contact such customers at a later date, perhaps in three to six months, to offer another opportunity to receive energy efficiency services. Further, we note that the Commission denied Vectren's request for waiver of Ohio Adm.Code 4901:1-18-12(C)(2), based on our understanding that ODSA and the CAP agencies will work with percentage of income payment plan plus (PIPP) customers to initiate other EE measures or delay weatherization. June 3, 2020 Finding and Order at ¶ 36. Accordingly, Vectren's transition plan did not address weatherization services as part of PIPP program participation. Nonetheless, the Commission directs that, to the extent that Ohio Adm.Code 4901:1-18-12(C)(2) requires the PIPP participant to accept weatherization for which the customer is eligible, we recognize that PIPP participants, even with PPE and other precautions taken, may not be comfortable permitting weatherization personnel in their residence and refuse access. Until the state of Ohio has determined that COVID-19 is no longer a health emergency, PIPP participants may elect not to accept weatherization, without recourse to their eligibility to participate in or to continue participation in the PIPP programs.

*e. Weatherization Funds*

{¶ 30} OCC again proposes that the Commission require the funds collected annually for low-income weatherization programs through Vectren's EE programs for the remainder of 2020 and 2021 be repurposed to provide immediate bill payment assistance for consumers. Rather than provide weatherization for approximately 334 homes each year, OCC asserts the monies could provide bill payment assistance to approximately 12,000 low- and lower-income consumers.

{¶ 31} In regard to the request to repurpose weatherization funds, the Commission reiterates, as stated in the June 3, 2020 Finding and Order, that this matter will be considered and decided in Case No. 19-2084-GA-UNC, Vectren's DSM rider case, where all parties have been afforded the opportunity to brief the issues in the case, including OCC's proposal. June

3, 2020 Finding and Order at ¶ 46. To be clear, the Commission has not rejected nor foreclosed consideration of OCC's proposal but will consider the request to repurpose weatherization funds in Vectren's DSM rider case. Indeed, we note that a stipulation, executed by Vectren, Staff, and other parties to the case, has been filed in that case and a procedural schedule and process for moving the case forward has been established. *In re Vectren Energy Delivery of Ohio, Inc.*, Case No. 19-2084-GA-UNC, Entry (July 20, 2020).

## 2. DISCONNECTIONS AND RECONNECTIONS

{¶ 32} Vectren proposes to implement a four-phase approach, in regard to disconnections for non-payment, with each phase lasting approximately 20 to 30 days and the final phase ending on or about October 1, 2020, with the Company resuming pre-emergency activities. Vectren states that it will not disconnect customers for non-payment before August 15, 2020. During Phase I, which commenced June 3, 2020, Vectren will continue the Company's customer awareness and outreach activities, which include proactively contacting customers, by way of outbound dial campaigns, bill messages, use of the Company's website, and Vectren's interactive voice response system, to encourage customers to contact Vectren's customer service center to discuss payment arrangements, as well as other potential resources and assistance for which the customer may be eligible. Phase II, which will commence on or about August 1, 2020, will focus on customers with the largest outstanding balances. In this phase, the Company will continue to proactively contact customers, by way of outbound dial campaigns, emails, and bill messages, to encourage customers to contact the Company and inquire about payment arrangements. Vectren states that Phase III, and then Phase IV, will each commence 20 to 30 days after the preceding phase, with the Company continuing to proactively contact customers and the issuance of disconnection notices, but will focus on customers with smaller outstanding balances and culminate with the Company returning to pre-COVID-19 disconnection practices by October 1, 2020.

{¶ 33} In regard to reconnections, Vectren proposes to resume application of the guidelines set forth in Ohio Adm.Code 4901:1-13-07(A) through (C) and 4901:1-13-08(E), as

to residential reconnections and small commercial reconnections, respectively, effective July 1, 2020.

{¶ 34} In its comments, OPAE notes that, during the summer, while customers use very little gas, the monthly customer charge can cause a significant arrearage to accrue on a customer's account. It is clear to OPAE that the moratorium on disconnections is allowing customers who face financial hardships to ignore their utility bills. OPAE avers that, as the winter heating season approaches, it is important to encourage customers to comply with payment requirements. OPAE supports Vectren's plan to commence sending disconnection notices beginning August 1, 2020; however, OPAE urges Vectren to delay disconnections of service until October 1, 2020. OPAE notes that the moratorium on disconnections may cause customers to face financial hardship for ignoring their utility bills. Accordingly, OPAE argues that it is critical that customers request assistance before the arrearages accrue to the point where available assistance cannot cure the default. In addition, OPAE submits that it should be a priority to inform and connect customers with available assistance and resources as soon as possible. OPAE asks that Vectren, as a part of its outreach, provide customers with information to contact their local CAP.

{¶ 35} OCC comments that Vectren's proposal to resume disconnections for non-payment after August 15, 2020, with a complete return to pre-emergency disconnection operations on October 1, 2020, is too soon, as there are limited resources, if any, to assist customers with past due gas bills, which will unnecessarily cause at-risk customers to prioritize essential needs. OCC notes that the number of coronavirus cases in Vectren's service area is increasing and the emergency is far from over. Further, OCC also faults Vectren for not including discrete data in its transition plan, such as the number of customers who are currently delinquent on their payments, the amount of the delinquency, the financial and social impact of the Company's transition plan on consumers, or any financial impact assessment on Vectren to continue the suspension of disconnections.

{¶ 36} OCC also argues that the Commission has not established a period for Vectren's emergency measures to be in place other than to recognize that the suspension of disconnections requires consideration and to direct Vectren to file a transition plan. June 3, 2020 Finding and Order at ¶¶ 38, 54. Accordingly, OCC argues that the aforementioned aspects of Vectren's transition plan are unreasonable and should be rejected.

{¶ 37} In regard to disconnections, the Commission recognizes that many customers may continue to experience financial stress as a result of COVID-19 despite the reopening of businesses throughout the state. We note, however, that the options provided residential customers in the winter reconnect order in Case No. 19-1472-GE-UNC, to reconnect service or avoid the disconnection of service, were extended until May 1, 2020. *Emergency Case*, Entry (Mar. 13, 2020) at ¶ 8. In addition, pursuant to the Finding and Order issued June 3, 2020, and before, Vectren suspended all service disconnections for non-payment and for failure to comply with the PIPP requirements, as well as waived late payment fees and, at the Company's discretion, other charges. Further, Vectren deferred the collection of delinquent charges, deposits, and fees to avoid service continuity hardships for customers, including PIPP participants. June 3, 2020 Finding and Order at ¶¶ 23, 35. We acknowledge that, pursuant to Ohio Adm.Code 4901:1-18-05(A), Vectren is required to offer a customized payment plan when contacted by a customer with a delinquent account, taking into account certain considerations. We note that, according to the Company's transition plan, Vectren commenced a pilot deferred payment arrangement whereby residential and non-residential customers were afforded three months to make payments on past due balances. Vectren, as part of the transition plan, commits to inform customers of extended payment plans and payment arrangements, as well as other potential resources and assistance, and offer a 12-month extended payment plan for residential customers. Vectren should advise customers that the community CAP may have resources and assistance. The Commission emphasizes that the 12-month extended payment plan does not supersede the requirements of Ohio Adm.Code 4901:1-18-05(A) or (B), but offers another reasonable option, particularly for customers who may have recently become unemployed or those with significant default

account balances. Accordingly, the Commission finds Vectren's 12-month extended payment option to be reasonable for residential customers who may need some flexibility to pay their utility bills. Further, the Commission strongly encourages Vectren's customer service representatives to continue to provide residential customers with delinquent accounts or who wish to avoid a delinquent account with the extended payment plan options, including PIPP, as set forth in Ohio Adm.Code 4901:1-18-05, and information regarding other payment assistance. Vectren commits to work with non-residential customers on a case-by-case basis. With such clarifications and modifications, the Commission finds Vectren's transition plan to resume disconnection and reconnection activities and operations to be reasonable, particularly in light of the advanced disconnection notice, various fee waivers and deferrals, and extended payment options provided. For these reasons, we decline to adopt OCC's recommendation to halt disconnections for the duration of the emergency and for a reasonable time after the emergency ends. Additionally, we also find OCC's contention about the lack of granular data in Vectren's transition plan regarding customer payment delinquencies and financial impact to be outside the scope of the plan we directed the Company to file to address the resumption of pre-emergency operations and activities. It is for these same reasons that we conclude that Vectren's emergency measures may be rescinded and the Company may commence resuming pre-emergency activities and operations. Accordingly, Vectren should reinitiate compliance with the requirements of Ohio Adm.Code 4901:1-13-08(E) and 4901:1-18-07(A) through (C), and related tariff provisions.

### **3. LATE PAYMENT FEES**

{¶ 38} Vectren notes that the Company has not charged late fees since mid-March 2020. As part of the plan to resume pre-emergency operations, Vectren proposes to resume the collection of late fees on bills issued beginning on or about October 1, 2020, to coincide with the winter reconnect order. Vectren acknowledges, as directed by the Commission, that the customer will be afforded the ability to defer payment of the late fees as part of a payment plan with terms agreed upon by the customer and Vectren.

{¶ 39} OPAE supports Vectren's proposal to delay the collection of late fees until October 1, 2020, as reasonable. However, OPAE recommends that Vectren forego the collection of late fees accrued between the start of the moratorium in March 2020 through October 1, 2020. OPAE reasons that, while Vectren is accustomed to receiving revenues from late fees, this revenue is unrelated to system costs and recovering such fees incurred during the pandemic is punitive. OPAE expects that adding late fees into arrearages covered by a payment plan would occur as a matter of course under the winter reconnect order. Therefore, OPAE suggests that Vectren defer late fees, as several utilities have proposed, which will allow the foregone revenue to be offset by savings to be identified in a future docket.

{¶ 40} OCC requests that the Commission deny Vectren's proposal to resume the collection of late fees, as well as down payments and deposits, to help consumers to maintain service. OCC notes that the Commission approved, as a part of Vectren's emergency motion, the waiver of late fees and reconnection fees on the basis that it would provide customers immediate bill relief and allow Vectren to enter into more liberal extended payment plans to facilitate the repayment of delinquent charges and fees. June 3, 2020 Finding and Order at ¶ 34. OCC argues that the Commission should require Vectren to continue to waive late fees and deposits for the duration of the emergency and for a reasonable time afterward, as payment of such fees should not be a pre-condition to service reconnection or to maintain existing service during an unprecedented health emergency. OCC also requests that the Commission prohibit Vectren from reporting consumers who defer late fees and delinquent charges to credit reporting agencies so as not to cause consumers financial harm.

{¶ 41} In regard to OPAE's recommendation that Vectren defer late fees to be offset by savings to be identified in a future docket, the Commission notes that Vectren has not requested, in this docket or another, authority to defer or recover expenses related to the state of emergency. As we stated in the June 3, 2020 Finding and Order, in the event that Vectren subsequently elects to seek deferral authority or to request recovery of expenses,

Vectren is directed to track the costs associated with this emergency in a separate Federal Energy Regulatory Commission account, as well as track any costs the Company avoids due to the emergency. Finally, the Commission emphasizes that nothing in this Supplemental Finding and Order should be interpreted to guarantee recovery of costs or approval of deferral authority. Vectren must file a separate application to seek approval of such deferrals or recovery of expenses in an appropriate future proceeding where the Commission will fully review and address the question of recovery of the expenses or deferred amounts, including, but not limited to, issues such as prudence, proper computation, proper recording, reasonableness, and any potential double-recovery. June 3, 2020 Finding and Order at ¶ 44.

{¶ 42} Further, the Commission notes that we directed Vectren to advise customers that delinquent charges, deposits, and fees may be deferred to a subsequent bill or bills, as opposed to such fees being waived as OCC represents. June 3, 2020 Finding and Order at ¶ 34. However, as part of the transition plan, Vectren proposes to waive any requirement for down payments, including deposits and fees. Nonetheless, the Commission finds Vectren's request to resume the collection of late payment fees on or about October 1, 2020, to be reasonable, particularly in light of the Company's deferral of fees to subsequent bill(s), the waiver of down payments, including deposits and fees, and the extended payment plans offered of up to 12 months, which goes beyond the directives of Ohio Adm.Code 4901:1-18-05. Further, we direct Vectren not to report customers who defer reconnection fees, deposits, and late payment fees during the emergency to credit reporting agencies. We strongly encourage Vectren to continue to be flexible with its extended payment plans and arrangements to customers with delinquent accounts and to direct the Company's customer service representatives and collectors to continue to provide customers whose account is delinquent with the extended payment plan options, including PIPP, so customer accounts do not continue to accrue unpaid delinquent charges to the point that the utility bill becomes an insurmountable debt. Resumption of reconnection requirements, including fees and charges, along with the payment plans outlined in Ohio Adm.Code 4901:1-18-05 and the



additional options provided by the Company, represents a reasonable plan to transition to pre-emergency activities, operations, and customer obligations. Accordingly, the Commission finds such aspects of Vectren's transition plan to be reasonable and, therefore, it should be adopted.

#### 4. PAYMENT PLANS

{¶ 43} In April 2020, Vectren states that the Company launched a pilot program to inform customers with outstanding balances of the various payment plans available and, in addition, offered a deferred payment arrangement for a maximum of three months, for residential and non-residential customers, to make payments on past due account balances. One of the benefits offered to customers who elected to enroll in the pilot program was the ability to avoid disconnection when pre-emergency practices resumed in the future. Vectren proposes to discontinue the deferred payment pilot for non-residential customers as of July 1, 2020, and commits to continue to work with non-residential customers on a case-by-case basis to reach an agreement on payment arrangements. Regarding residential customers, Vectren proposes to include an additional payment option which would extend the payment arrangement to up to 12 months. In addition, Vectren proposes to waive any requirement for down payments, including deposits and fees. Vectren states that it will continue to work with residential customers, on a case-by-case basis, beyond October 2020, to agree on appropriate payment arrangements.

{¶ 44} OPAE supports Vectren's implementation of a 12-month extended payment plan, in addition to longer term payment plans as necessary, as well as the suspension of down payments, including deposits and fees. OPAE also encourages Vectren to consider longer term extended payment plans. OPAE advocates that payment plans which are not based on a customer's ability to pay will result in better payment compliance and speed the elimination of arrears.

{¶ 45} The Commission finds Vectren's transition plan to be reasonable, in regard to its commitment to work with residential and non-residential customers to reach mutually

agreeable payment arrangements and to offer an extended payment plan up to 12 months, in addition to those required pursuant to Ohio Adm.Code 4901:1-18-05, including PIPP. Accordingly, this aspect of the Company's transition plan should be approved.

#### 5. PERCENTAGE OF INCOME PAYMENT PLAN PLUS

{¶ 46} As part of the Finding and Order approving, in part, Vectren's motion to suspend, the Commission directed that, during the emergency or until otherwise specified by the Commission, PIPP participants and Graduate PIPP participants shall not be removed or dropped from the programs or prohibited from enrolling in the programs for not being current, for failure to comply with program requirements as of the customer's anniversary date, or for failure to timely reverify eligibility. Vectren states that the Company suspended all service disconnections for failure to remain current, failure to timely reverify, or failure to comply with program requirements as of the anniversary date. June 3, 2020 Finding and Order at ¶ 35.

{¶ 47} In its transition plan, Vectren proposes to resume pre-COVID-19 practices related to the enforcement of PIPP program requirements 30 days after the date of the Commission's decision on the Company's transition plan. Vectren reasons that the 30-day time period will afford PIPP participants, who otherwise would have been required to reverify their eligibility during the rule suspension, time to come into compliance with Ohio Adm.Code 4901:1-18-12(D)(1) and 4901:1-18-17(A) and (B).

{¶ 48} In relation to Ohio Adm.Code 4901:1-18-12(D)(2) and (3) and 4901:1-18-16(D) (which requires that PIPP participants be current on their income-based payments due by their anniversary date, or within one billing cycle after their anniversary date), Vectren proposes to add to the PIPP or Graduate PIPP participant's arrearage any missed payments due or billed from March 12, 2020, through the date of the Commission's order on the Company's transition plan, which have not been paid. Vectren states that the Company intends to work with PIPP customers who have missed PIPP payments or have been removed from PIPP for non-payment during the aforementioned period, to determine a

reasonable payment amount, on a case-by-case basis, to either remain on PIPP or re-enroll in PIPP. Any remaining amount in default would be added to the customer's PIPP arrearage. Further, the Company proposes, pursuant to Ohio Adm.Code 4901:1-18-14, that any PIPP and Graduate PIPP participants for whom installment payments are added to the participants' arrearages will not be eligible for their incentive in association with the number of payments added to the arrearages. Moreover, for those customers who are no longer eligible for PIPP, or who do not wish to be enrolled in Graduate PIPP, the Company proposes to work with such customers and agree on an appropriate extended payment plan, on a case-by-case basis.

{¶ 49} According to OPAE, Vectren's transition plan does not follow the Commission's order in Case No. 20-637-GA-UNC as to PIPP and Graduate PIPP participants and, therefore, OPAE contends that Vectren's proposal is inappropriate. *In re Columbia Gas of Ohio, Inc.*, Case No. 20-637-GA-UNC (*Columbia Emergency Plan Case*), Supplemental Finding and Order (June 17, 2020) at ¶ 33. OPAE opposes Vectren's proposal to negotiate a payment plan for missed PIPP payments and recommends that missed payments be added to the PIPP participant's arrearage, which will help to ensure that the utility service remains affordable for the most vulnerable customers. OPAE further recommends that the missed payments, through October 1, 2020, be rolled into the customer's arrearage and eligible for incentive credits under the PIPP program requirements until the emergency is over, like the approach taken prior to the last PIPP rule review.<sup>3</sup> OPAE recommends that, only where a customer is no longer eligible for PIPP, that Vectren negotiate a payment plan for missed PIPP payments.

{¶ 50} OCC submits that, given the continued financial impact of the coronavirus, Vectren's proposal to resume strict enforcement of the PIPP programs' payment requirements, within 30 days of the Commission's order on the Company's transition plan, is unreasonable. Considering that the Commission ordered, as part of the emergency plan,

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<sup>3</sup> The Commission notes that the last PIPP rule review docket was Case No. 13-274-AU-ORD.

that PIPP customers should not be dropped from the programs for failure to comply with certain eligibility requirements, OCC argues that Vectren's proposal is harsh, will exacerbate the suffering of PIPP program participants, and should be denied.

{¶ 51} Upon review of the Company's transition plan, we find that Vectren's approach with regard to PIPP customers may have been somewhat inconsistent with our previous Finding and Order in this proceeding, as the Company mentions customers who have been dropped from PIPP for non-payment. In that Finding and Order, we specifically directed Vectren, during the pandemic, to not remove or drop PIPP customers from the programs or prohibit them from enrolling in the programs for not being current, for failure to comply with program requirements as of the customer's anniversary date, or for failure to timely reverify eligibility. June 3, 2020 Finding and Order at ¶ 35. This approach is consistent with our directives in the *Emergency Case* and directives issued to other utility companies during the pandemic. To be clear, it was the Commission's intention to protect PIPP program participants from being removed from the PIPP and Graduate PIPP programs and likely subject to the threat of disconnection as a result of removal from the program, just as we suspended service disconnections for other customers. Consequently, Vectren should follow the below guidance to ensure PIPP customers who may have been inadvertently removed from the programs and who wish to remain on the programs are adequately accommodated.

{¶ 52} Initially focusing on any customers who may have been removed for failure to reverify or to be current on the anniversary date, since the initial phase of the pandemic beginning on March 12, 2020, we direct Vectren to contact any such customers immediately, in the event that such customers were not promptly reenrolled. Vectren should work with these customers to evaluate whether these customers wish to remain on PIPP. If these customers wish to remain on PIPP, Vectren is directed to assist them in re-enrolling in the program and to provide them specific information regarding how to reverify information and maintain eligibility. Vectren should provide Staff with an update with regard to the

status of these customers and whether they wish to remain on the PIPP programs within 30 days of this Supplemental Finding and Order.

{¶ 53} Further, we note that, during this state of emergency, the local community action agencies have implemented procedures to facilitate the processing of PIPP applications, including reverification. However, so as not to cause an immediate hardship to PIPP participants, the Commission finds it prudent to follow the approach outlined in the *Columbia Emergency Plan Case*. *Columbia Emergency Plan Case*, Supplemental Finding and Order (June 17, 2020) at ¶ 33. The Commission directs that any PIPP participant, who otherwise would have been required to reverify their eligibility, shall be afforded until September 7, 2020, to come into compliance with Ohio Adm.Code 4901:1-18-12(D)(1) and 4901:1-18-17(A) and (B). Further, as to Ohio Adm.Code 4901:1-18-12(D)(2) and (3) and 4901:1-18-16(D), which require that the PIPP participant be current on his/her income-based payment due by the participant's anniversary date, or within one billing cycle after the anniversary date, the Commission directs that PIPP income-based payments due or billed to the PIPP participant as of March 12, 2020, through September 7, 2020, which have not been paid by September 8, 2020, shall be added to the PIPP or Graduate PIPP participant's arrearage. If the customer is no longer eligible for PIPP or does not wish to be enrolled in Graduate PIPP, Vectren should offer the customer the extended payment plans as discussed and approved in this Supplemental Finding and Order. We strongly encourage Vectren to recognize the former PIPP participant's financial circumstances and to be flexible with the extended payment plan offered. PIPP and Graduate PIPP participants for whom installment payments are added to the participant's arrearage shall not be eligible for the incentive pursuant to Ohio Adm.Code 4901:1-18-14, in association with the number of payments added to the arrearage.

{¶ 54} Finally, we find it concerning that Vectren removed PIPP customers from the program during the initial phase of the pandemic, when many sectors of the economy were closed, particularly in light of our directive in the *Emergency Case* that natural gas companies and other public utilities should suspend otherwise applicable requirements that may

impose a service continuity hardship on customers. *Emergency Case*, Entry (Mar. 12, 2020) at ¶ 7. We expect Vectren to be mindful of its low-income customers during difficult financial circumstances.

**C. *Additional OCC Comments and Recommendations***

{¶ 55} OCC again urges the implementation of the consumer protection guidelines developed by the National Consumer Law Center (NCLC), titled “Coronavirus Crisis: How States Can Help Consumers Maintain Essential Utility Services,” into Vectren’s transition plan. OCC initially attached the NCLC guidelines to its May 20, 2020 comments filed in response to Vectren’s motion for suspension. OCC has once again attached the guidelines to its current comments. OCC argues that Vectren’s premature and unreasonable proposals in its transition plan highlight the need for a uniform set of consumer protection guidelines applicable to all Ohio gas utilities.

{¶ 56} The Commission finds that Vectren’s transition plan, as modified, consistent with this Supplemental Finding and Order, reasonably and adequately addresses the issues of service continuity, social distancing, consumer protections, and payment arrangements, including fees and charges. Accordingly, the Commission, once again, declines to adopt the NCLC guidelines.

**D. *Commission Conclusion***

{¶ 57} Upon thorough review of Vectren’s plan to resume pre-emergency activities and operations and intervenors’ comments, the Commission finds that the plan should be approved, in part, consistent with this Supplemental Finding and Order.

**III. ORDER**

{¶ 58} It is, therefore,

{¶ 59} ORDERED, That Vectren’s plan to resume activities and operations pursuant to certain provisions of the Ohio Administrative Code and related tariff requirements be approved, consistent with this Supplemental Finding and Order. It is, further,

{¶ 60} ORDERED, That Vectren take all necessary steps to carry out the terms of this Supplemental Finding and Order. It is, further,

{¶ 61} ORDERED, That a copy of this Supplemental Finding and Order be served upon all interested persons and parties of record.

COMMISSIONERS:

*Approving:*

Sam Randazzo, Chairman  
M. Beth Trombold  
Lawrence K. Friedeman  
Daniel R. Conway  
Dennis P. Deters

GNS/hac

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**Case No(s). 20-0649-GA-UNC**

Summary: Finding & Order approving, in part, the transition plan of Vectren Energy Delivery of Ohio, Inc. to terminate the waiver of certain provisions of the Ohio Administrative Code and corresponding provisions of its tariff and to return to pre-COVID-19 activities and operations, consistent with this Supplemental Finding and Order electronically filed by Heather A Chilcote on behalf of Public Utilities Commission of Ohio