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PUCO

CASE Numbers 20-1344-EL-UNC
and 20-1345-EL-WVR.

TO PUCO and all parties and interested persons

1. We are filing the attached document containing our comments to the Transition Plan filed by First Energy and its companies of CEI, OE, and TE in the above referenced cases

2. This document is being sent to the PUCO in Columbus by email, fax, and overnight express mail.

3. We request that this be filed in the current Cases for the Transition Plan of these companies. (See Case Numbers 20-1344-EL-UNC and 20-1345-EL-WVR.)

4. This document with comments is also being sent by email to various parties, agencies, and individuals who are interested in this Transition plan for First Energy and its companies of CEI, OE, and TE.

5. All of these steps are being taken by us to ensure adequate service for all involved in these issues.

Sincerely,

Attorney Joseph Patrick Meissner
Reg Number 0022366
Legal Counsel for
Citizens Coalition

Original,
Please file

Joseph P. Meissner

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CITIZENS COALITION

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August 17, 2020

Public Utilities Commission of Ohio (PUCO)
180 East Broad Street
Columbus, Ohio 43215

SUBJECT: Reply Comments To Transition Plan filed by the Ohio Edison Company, the Cleveland Electric Illuminating Company, and the Toledo Edison Company through First Energy Service Company

SEE: Transition Plan and Request for Waivers of Ohio Edison Company, the Cleveland Electric Illuminating Company, and the Toledo Edison Company

CASE: In the Matter of the Application of Ohio Edison, the Cleveland Electric Illuminating Company, and the Toledo Edison Company To Safely Resume Activities to Pre-COVID 19 Levels and Requests for Waivers

Case Numbers 20-1344-EL-UNC and 20-1345-EL-WVR

Dear people,

We are filing this letter of comments in response to the recent filing of "Transition Plan" by the three companies Ohio Edison Company, the Cleveland Electric Illuminating Company, and the Toledo Edison Company. We are filing this as a letter because of various problems for our staff and operations caused by the COVID- 19 PANDEMIC Virus crisis.

We ask all involved in these proceedings including the PUCO and its Staff to consider our comments in any rulings by the PUCO related to the "Transition Plan" (The Plan) filed for the three FirstEnergy companies. We are sending requisite copies of these Comments to the PUCO for filing. We are also sending copies to all involved in these cases.

Let us begin with our comments which are filed on behalf of the Citizens Coalition as well as all groups and individuals involved with this Coalition.

1. **The INTRODUCTION to Companies' Transition Plan filing:**

The Introduction remarks in the First Energy Transition plan filing are generally very accurate. The three First Energy companies have taken substantial steps to help their customers, especially low-income families during this, COVID-19 crisis. Two of these steps taken by the companies have been a suspension of utility service shutoffs and the use of twelve-month payment plan. Both of these help all customers.

Also Company representatives have been very willing to meet by telephone conference at least monthly with customer representatives and discuss what is happening and what is planned. Recently, on August 3, we met and the company discussed its "Transition Plans." While we understand the need to restore some normalcy, we do not agree with a number of the steps and the timing of these outlined in The Plan. We are also concerned about the notices to customers for possible service shutoffs and the effectiveness of these notices. We are thirdly concerned with the re-imposition of such items as late charges, service reconnection charges, and imposing security deposits requirements on customers. Finally, we do have comments about the two waivers which the companies are seeking.

2. **Proposed Resumption of Service Shutoff's for September 15 and thereafter**

The companies propose renewing normal disconnection procedures and the resumption of disconnections for nonpayment on or after September 15, 2020. (See Page 3 of the Transition Plan filing.) We do understand that at some time these need to be restored. However, such a resumption of disconnection activities should be based on the ongoing crisis caused by the COVID-19 Pandemic virus.

So long as this remains an ongoing and significant crisis which causes families to have problems with their finances and budgets—including all utility payments, remember families have water, sewer, telephone and other utility burdens—we would propose that the companies not use the date of premature September 15 date for resuming the prior activities for service shutoffs. We would propose that the companies wait until the end of September 2020 and review what is happening with both the COVID-19 Pandemic virus and the general economy including employment trends. If the virus cases and death statistics are abating and if Ohioans are significantly returning to employment, then the service shutoffs might be more feasible and cause less harm.

We would also propose that the companies indefinitely (or at least to the end of 2020) offer the twelve-month repayment program. This should be available to all customers as an option which can help all customers retain their electric service. This goal that all customers should remain connected to electric service is not only a sound economic policy, but also based upon considerations of protecting the health for all of us. If service to a family is shut-off and that family is forced into trying to relocate, this could impact the general health of all customers as these "refugee" families wander about. The safest and most healthy place for families is in their own homes where (effectively) many of them are self-quarantining. To the extent that evicted families are traveling about and moving their possessions outside, to that extent they can become a health threat and hazard both to themselves and to us. We understand the economic problems for the companies, but in Ohio the monthly bill rider should protect the companies against serious financial problems caused by electric services being provided without full payment of the actual bill or by PIPP required payments that may lead to increasing arrearages.

Summing up our recommendations on the resumption of utility shutoffs, here are our proposals:

- a. There should be no resumption of shutoffs using the date of September 15, Utility shutoffs should be postponed until the end of September when we may have a better view of the COVID-19 virus developments as well as the progress of our general economy.
- b. Companies should continue to offer the twelve-month repayment plans for all customers.
- c. The PIPP required monthly payment should be reduced from the present 6% PIPP payment to 3% of monthly incomes. This would be a temporary measure until December 15, 2020, when again it could be reconsidered. This would substantially help low-income families.

3. **Advice for actual notices of possible Utility Shutoff of service**

On Page 5 of their Transition Plan, the companies list various procedures for notifying customers. We do commend the companies for considering these notice provisions and scheduling deadlines.

The problem, however is that customers have up to the present been receiving disconnection notices which the companies—to their credit—have not sought to act upon. However, many customers may have become “immune” to any disconnection notice because they are caught up in their own family and financial situations as well as the serious COVID-19 Pandemic threats. So, the problem for all of us is how to insure that the customers are adequately notified and they are warned to take any disconnection notice very seriously.

Here are some recommendations from us on the actual notifications

- a. All notices should be in a large print font
- b. The actual typing should be in a noticeable color, rather than simply black print. “Red” is always a good warning color.
- c. There should be a special flyer notice about the impending disconnection in the bill envelope that would be printed on colored paper. We suggest red printing on a light color non-white paper.
- d. There should also be notices through radio and television advertising. Certain stations have certain audiences. So, any radio notice could take these audiences into account.

According to Page 5 of the Transition Plan filing, customers can call the company “to learn about options for avoiding disconnection of services.” The filing does not spell out what are these “options.” The Citizens Coalition requests that the company tell us what options will be mentioned on these phone calls and what will be said about each option. This must also include clear and helpful information on how the customer can access these options, like phone numbers and agency addresses, and even the names of personnel.

We understand according to the same Page 5, that there will be “personal notice by knocking on the door and providing a written notice of disconnection.” Again, the Citizens Coalition requests a copy of this “written notice.”

Any company representative should wear unique clothing, such as a distinctive color so that the customers can identify that this is a utility company representative. (We do not want any “accidents” or “unfortunate incidents.”)

We understand that the company will not be able to accept any payment at the time of this “personal notice.” Specifically, the Company is asking a waiver of its current duty to be able to accept payment for the bill in order to avoid the shutoff. While we can understand the safety concerns about accepting cash payments, why cannot the company representative receive either checks or credit card payments. Within a few days of depositing a check, the company will know from a bank deposit if the check is “bad.” If it is bad, the company representative could visit the customer again and report that the check is bad and then disconnect that customer.

As for credit cards, there is an inexpensive device that can be attached to various cell phones so that credit card payments can be made and almost instantly processed “on the door step,” and verified or not.

We are concerned about what procedure the company will follow if no one answers at the customer’s house. The company has indicated that it will leave a door-hanger and then go ahead immediately with the shutoff (“execution”). We oppose this. There can be all sorts of reasons why nobody may be home when the company representative comes, from doctor appointments, to hospital treatments, to shopping for necessities, to work schedules, and to school meetings for students and family member. If no one is home, because of safety, security, and health concerns, we strongly recommend against the company going ahead instantly with a disconnection.

Shutting off the electricity will also mean that any refrigerator or freezer in the home will stop operating. This could cause financial losses to the family as their food supply rots. More seriously the lack of food may cause health problems. Think of baby formula or special dietary necessities for the elderly and sickly. There could be security devices in the house which also will stop operating. We recommend that the company give a customer who is not home a two-day printed notice of this “home visit” and that their electricity will be shut off in two days. That should allow a family time enough to respond to this shutoff emergency. If the customer acts and the bill is satisfied, then the company representative does not even have to return.

Lastly, we express our concern about the times and days when a company representative will visit the home. We recommend that no shut-offs for non-payment take place on Fridays, Saturdays, and Sundays. We recommend that the customer representative should come no earlier than 9:00 on Mondays thru Thursdays, nor later than 11:00. This hopefully will provide the time a customer needs to find the necessary finances and make any required payment.

4. Various charges for service restoration:

If a customer seeks to have service restored after a shutoff, the companies’ plan on page 6 of the Transition Plan filing, states that the companies plan to charge a reconnection fee and also impose security deposits. We strongly oppose both of these requirements for low-income families. If the customer is having problems paying their bills, this problem will only be exacerbated if the customer is required to pay the reconnection fee. Furthermore, the imposition of a security deposit can be particularly onerous on a low-income family. If the family is having financial problems caused by the ordinary utility bill or from a PIPP required payment, the

security deposit may well mean the customer will not be able to pay for a reconnection. Besides causing financial hardships, this may increase health and security risks, including refrigerator stoppages and the loss of power for cooling or heating needs.

5. **Reinstating Late Payment Charges:**

The companies' Transition Plan on Page 7 calls for resuming its normal late payment charges. Again, this may simply compound tribulations for low-income customers who may have difficulties even if they are on the PIPP program. We recommend that for low-income customers, no late charges be imposed at this time.

6. **Resumption of standard payment plans:**

The companies' Plan calls for the resumption of the previously standard payment option plans. The effect of this would be to discontinue the 12-month payment option from September 15th and onward, excluding customers who are already on this plan. We see no reason for discontinuing the 12-month plan.

We recommend the Company continue offering this option. Already the company will be required to offer the 9-month option plan. An extension of this to 12-months hardly seems like a major onus for the company but discontinuing this option may substantially hurt families who already have financial problems from loss of employment to weaknesses in the general economy.

7. **Directing customers to the company website for essential information.**

On page 8 as well as other places in the proposed Transition Plan, the Company mentions that it will provide information to direct customers to its "billassistwebsite landing page" and company webpage. While this may be helpful to some customers, what about customers especially low-income families who do not have computers or the required cell phone aps. Such websites will be like referring customers "to travel to Mars." Furthermore, many low-income families up to six months or so in the past had access to computers at their nearby libraries.

Such access is not available now because patrons are at present generally not allowed into the libraries and have only limited access to the library's books—even though allegedly the "libraries" are open.

8. **Resuming in-premise meter reading:**

On pages 9 and 10 of the Transition Plan, the company spells out the steps it will take to safeguard customers if in-person readings may be needed on indoor meters. We would make two suggestions on how this can be done while keeping social contacts to a minimum.

First, the company personnel could provide customers with a paper form on which a customer could draw the readings of the circles on the meter face. These can be compared to past meter readings for that location which should spot any efforts at providing phony results.

Secondly, many customers including many low income families have access to cell phones which can take photographs. A customer could simply take a photograph of the meter with its readings and then show or send this to a customer representative who never has to enter the premises. Again there would be past meter readings which could provide for reconciliation and provide a check upon any supplying of fake numbers.

9. **Discussion of 2 Waivers requested by the Companies in the Transition Plan.**

The companies are requesting two waivers in their Transition Plan filing.

The first is a waiver of the requirement of the company to report to the PUCO if a company's average answer time for customer service calls exceeds 90 seconds for two months in a twelve-month period." (Page 11 of Companies' Transition Plan filing.

This is a serious issue. Customer often have to use cell phones in order to call the company, but these have time and battery limitations as well as additional charges for minutes of usage. Furthermore, customers often have other necessary tasks which constrain their ability to "camp on their phones" and just wait for a response.

We fail to see the need for this waiver. In fact, it is exactly during this current crisis, when the PUCO and the Company need to know if customers are experiencing extensive waiting periods. Furthermore, what the company is required to do is to report when the company's average wait time for a customer call exceeds 90 seconds two months in a row. How arduous is this?

Furthermore, what are the additional costs for this reporting during this crisis? The companies must already have in place procedures, personnel, and mechanisms for doing this computation. The report is only required monthly, if indeed at all. If there should be some vast increase in the wait time, we all need to know. This will help make corrections, such as hiring more monitoring personnel and phone answering personnel. If additional phones and equipment are needed, certainly the company should have good enough relations with their phone company to get more equipment. (Furthermore, some agencies have a procedure that when somebody calls, if no one is available to answer the call, the caller can leave their phone number and the customer will be told the agency will call later and how much time later. This seems like a marvelous method of resolving the waiting time issue.)

In conclusion, we see no need for this waiver, the cost of compliance with the current regulation seems minimal, and this is precisely the information which should be available to all during this crisis period.

The company is seeking a second waiver of the requirement that company employees be able "to accept payments in the field." Naturally this could avoid any service shutoff. See O.A.C. 4901:1-18-06(a)(4)(a), (b), and (c). The companies are seeking a "permanent waiver" of this requirement. See Page 11 of the Transition Plan filing. We have discussed this waiver request earlier in terms of an employee being able to receive cash and other payments." Supposedly the companies argue this waiver is based on the need "to limit face-to-face interaction and enforce social distancing..." If that is the rational for this waiver, why are the companies requesting a "permanent waiver"? Do they know something we do not know that the the COVID-19 virus crisis will last forever?

As for interaction, a requirement that everyone wear a mask, both the customer and the company personnel, should alleviate this concern. Similarly, social distancing can be safeguarded by the customer placing the money or check or credit card in a container by the edge of the porch and then stepping back so the employee can get the payment. This is similar to what many fast food places are doing.

Let us remember what is at stake here. It is the shutting off of the customer's absolutely essential electrical service. Even under the best of circumstances, it may take several hours to make arrangement for the required payment and get service restored. Safety and health concerns, including loss of needed cooling for seniors and other vulnerable people, operation of health

machinery, and safety issues such as lighting needed for stairs, militate against granting this waiver. Another means of handling this would be for the company representative to make the in-person house call, deliver the message, and then return a few hours later giving the customer time to find a payment place and make the obligatory arrangements.

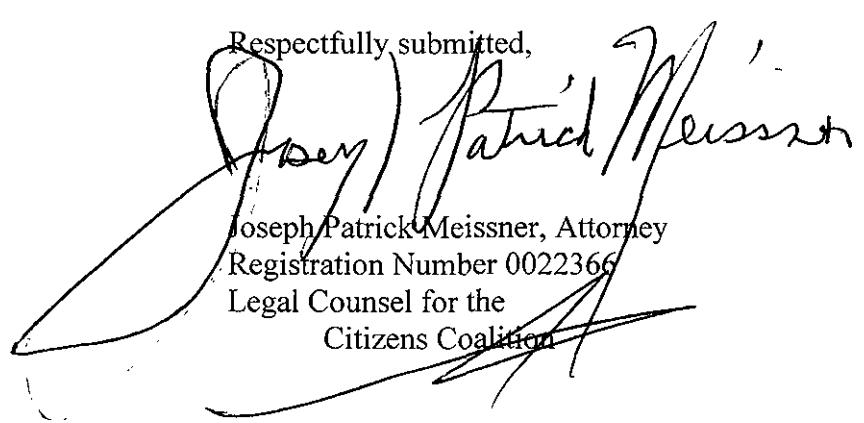
10. **Conclusion.**

We repeat over and over at public meetings and on zoom presentations, that the companies really do not want to disconnect any customer. We also emphasize that any Company must be paid for all the electricity it supplies, including for customers enrolled in PIPP or on various monthly payment plans. We furthermore urge everyone to spread these two messages.

During this time of a pandemic when lives and health can be at stake, we urge the company to take the approach that "no customer shall be left behind."

The members involved in the Citizens Coalition have and will work diligently so that as far as possible no customer will be disconnected. We are positive that the Company will also adopt this humane, life protecting, and moral guideline. (1)

Respectfully submitted,



Joseph Patrick Meissner, Attorney
Registration Number 0022366
Legal Counsel for the
Citizens Coalition

(1) One final note: this is beyond the scope of this proceeding. But we urge that everything be done by the companies in order to assure that they have adequate supplies of electricity. In fact, the companies should insure they have a surplus at this time. We note how in California many customers were shut off or threatened with loss of their electric service this past weekend. This extended for a number of hours. We do not want such occurrences here in Ohio.

We also recommend that the companies have sources of electricity which are near-by, readily available and easily protected, and that the companies be prepared to replace any equipment and substations during any emergencies.