

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Duke)	
Energy Ohio, Inc. for Approval of its)	
Temporary Plan and Waiver of Tariffs and)	Case No. 20-599-GE-UNC
Rules Related to the COVID-19 State of)	
Emergency.)	

In the Matter of the Application of Duke)	
Energy Ohio, Inc. for Approval of a)	Case No. 20-856-EL-AEC
Reasonable Arrangement.)	

In the Matter of the Application of Duke)	
Energy Ohio, Inc. to Modify its Economic)	Case No. 20-857-EL-RDR
Competitiveness Fund Rider and Request for)	
Waivers.)	

**REPLY TO DUKE ENERGY’S MEMORANDUM CONTRA CONSUMER PARTIES’
MOTION TO PROTECT PIPP CUSTOMERS DURING THE TRANSITION TO
“NORMAL” OPERATIONS
BY
OFFICE OF THE OHIO CONSUMERS’ COUNSEL
OHIO POVERTY LAW CENTER
PRO SENIORS, INC.**

I. INTRODUCTION

It seems odd (and unfortunate for consumers) that Ohio utilities are transitioning to “normal” operations despite circumstances for their customers being anything but normal as the pandemic rages on. The consumer protection subject today is the Percentage of Income Payment (“PIPP”) electric program. PIPP is designed to help consumers stay connected to their electric service (and have heat, lights, etc.) by paying their bills based on a percentage of their income rather than the entire bill. It protects Duke’s most vulnerable customers because it allows them to continue to receive utility service even when they are not able to pay their entire

electric bill. Due to the coronavirus pandemic, the Public Utilities Commission of Ohio (“PUCO”) rightly extended additional protections to PIPP customers. It did so by preventing electric utilities from removing customers from the PIPP program even when customers were not able to make the minimum payments required under the PIPP program

Duke, in response to the Consumer Groups’¹ Motion to Protect PIPP customers, says that it intends to allow customers to remain on PIPP without meeting minimum payment requirements, until January 2021. The Consumer Groups appreciate Duke’s stated intention. But for consumer protection there should be an Order from the PUCO to protect Duke’s most vulnerable customers. Duke shouldn’t mind that order, since it is proposing to voluntarily do the same. The PUCO should issue a ruling that is consistent with Duke’s representations. Duke should not remove customers from electric PIPP earlier than January 2021 (and should not remove consumers until sometime after that date, if determined by the Ohio Development Services Agency).

II. RECOMMENDATION

To protect consumers, the PUCO should enter an Order preventing Duke from removing customers from electric PIPP until no earlier than January 2021 and directing its Staff to work with ODSA to assist in coordinating future plans for reinstating PIPP eligibility and verification requirements.

Duke claims that the Consumer Groups’ Motion to Protect PIPP customers is moot because it already intends to do what the Consumers Groups ask.² Duke is wrong. The Consumer Groups’ Motion seeks a PUCO Order to protect Duke’s neediest electric PIPP customers against removal from PIPP no sooner than January 2021. While Duke’s stated

¹ The Consumer Groups refer, collectively, to Office of the Ohio Consumers’ Counsel, Ohio Poverty Law Center, and Pro Seniors, Inc.

² *Id.* at 2.

intentions to undertake action are a good start, those intentions should be converted into enforceable policy through a PUCO order. That is all the Consumer Groups ask. The PUCO should simply issue an Order transforming Duke's stated intention that it will not resume normal PIPP activities (including removing customers from PIPP who do not make minimum payments) until at least January 2021³ into an enforceable policy.

In our Motion, the Consumer Groups' also specifically asked the PUCO to direct its Staff to coordinate with ODSA to assist in working on future plans for reinstating all electric PIPP eligibility and verification requirements.⁴ The PUCO should instruct its Staff when coordinating with ODSA to advocate for the PIPP consumer protections to extend until the end of the winter heating season. PUCO Staff involvement is important to protect consumers, as the PUCO regulates Duke.

III. CONCLUSION

The most vulnerable Ohioans' struggles have been made more desperate by the coronavirus pandemic. The PUCO should, by Order, carry out Duke's intentions to provide additional protection for PIPP customers, allowing those customers more time to financially recover from the coronavirus. That would mean that PIPP customers could continue to receive service from Duke, without meeting the payment requirements under the PIPP program until January 2021 or until sometime after that date if ODSA determines it is safe to resume disconnections at a later date. It should also direct its Staff to coordinate with ODSA the consideration of future plans for reinstating all electric PIPP eligibility and verification requirements.

³ Notice confirming how PIPP and Graduate PIPP programs will begin to resume their normal operations submitted by Duke Energy Ohio, Inc. (September 1, 2020) at 1 ("Letter").

⁴ Consumer Groups' Motion (September 25, 2020) at 2.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of this Reply has been served via electronic transmission upon the following parties of record this 20th day of October 2020.

/s/ William J. Michael
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Assistant Consumers' Counsel

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: Reply Reply to Duke Energy's Memorandum Contra Consumer Parties' Motion to Protect PIPP Customers During the Transition to "Normal" Operations by Office of the Ohio Consumers' Counsel, Ohio Poverty Law Center, Pro Seniors Inc. electronically filed by Ms. Deb J. Bingham on behalf of Michael, William J. Mr.