

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

**IN THE MATTER OF THE COMMISSION'S  
REVIEW OF OHIO ADM.CODE CHAPTERS  
4901:1-17 AND 4901:1-18.**

**CASE NO. 19-52-AU-ORD**

**FINDING AND ORDER**

Entered in the Journal on November 4, 2020

Table of Contents

- Finding and Order.....1
- I. Summary.....5
- II. Discussion.....5
  - A. Applicable Law ..... 5
  - B. PIPP Plus Program History and Procedural History ..... 6
  - C. Ohio Adm.Code Chapter 4901:1-17 ..... 8
    - 1. Ohio Adm.Code 4901:1-17-01, Definitions ..... 8
    - 2. Ohio Adm.Code 4901:1-17-03, Establishment of Credit ..... 8
    - 3. Ohio Adm.Code 4901:1-17-04, Deposit to Reestablish Creditworthiness.... 9
    - 4. Ohio Adm.Code 4901:1-17-07, Record of Deposit ..... 11
  - D. Ohio Adm.Code Chapter 4901:1-18 ..... 11
    - 1. Ohio Adm.Code 4901:1-18-01, Definitions ..... 11
      - a. Paragraph (K) ..... 11
      - b. Paragraph (Q)..... 12
      - c. Paragraph (S)..... 12
      - d. Additional Definitions Proposed ..... 13
    - 2. Ohio Adm.Code 4901:1-18-02, General Provisions ..... 14
      - a. Paragraph (B) ..... 14
      - b. Paragraph (D)..... 16
    - 3. Ohio Adm.Code 4901:1-18-03, Reasons for Disconnecting Residential Electric, Gas, or Natural Gas Service. .... 17
    - 4. Ohio Adm.Code 4901:1-18-05, Extended Payment Plans and Responsibilities. 19
      - a. Paragraph (A)..... 19
      - b. Paragraph (B) ..... 21
    - 5. Ohio Adm.Code 4901:1-18-06, Disconnection Procedures for Electric, Gas, and Natural Gas Utilities..... 22
      - a. Paragraph (A)..... 22
      - b. Paragraph (A)(1) ..... 22
      - c. Paragraph (A)(2) ..... 25
      - d. Paragraph (A)(3)(c)..... 27
      - e. Paragraph (A)(4) ..... 29
      - f. Paragraph (B) ..... 31
      - g. Paragraph (B)(3)..... 33
      - h. Paragraph (C) ..... 37
      - i. Paragraph (C)(3)(e)..... 38



III. Conclusion.....73

IV. Order .....74

## I. SUMMARY

{¶ 1} The Commission adopts proposed amendments to the rules in Ohio Adm.Code Chapters 4901:1-17 and 4901:1-18, regarding the establishment of credit for residential service, the termination of residential service, and the gas Percentage of Income Payment Plan Plus, as determined in this Finding and Order.

## II. DISCUSSION

### A. *Applicable Law*

{¶ 2} R.C. 111.15(B) and R.C. 106.03(A) require all state agencies to conduct a review of their rules, every five years, to determine whether the rules should be continued without change, amended, or rescinded.

{¶ 3} R.C. 106.03(A) requires that the Commission determine whether the rules:

- (a) Should be continued without amendment, be amended, or be rescinded, taking into consideration the purpose, scope, and intent of the statute under which the rules were adopted;
- (b) Need amendment or rescission to give more flexibility at the local level;
- (c) Need amendment or rescission to eliminate unnecessary paperwork;
- (d) Incorporate a text or other material by reference and, if so, whether the citation accompanying the incorporation by reference would reasonably enable the joint committee on agency rule review or a reasonable person to whom the rules apply to find and inspect the incorporated text or material readily and without charge and, if the rule has been exempted in whole or in part from R.C. 121.71 to 121.74 because the incorporated text or material has one or more characteristics described in R.C. 121.75(B), whether the incorporated text or material actually has any of those characteristics;

- (e) Duplicate, overlap with, or conflict with other rules;
- (f) Have an adverse impact on businesses, as determined under R.C. 107.52;
- (g) Contain words or phrases having meanings that in contemporary usage are understood as being derogatory or offensive; and
- (h) Require liability insurance, a bond, or any other financial responsibility instrument as a condition of licensure.

{¶ 4} In accordance with R.C. 121.82, in the course of developing draft rules, the Commission must evaluate the rules against the business impact analysis (BIA). If there will be an adverse impact on businesses, as defined in R.C. 107.52, the agency is to incorporate features into the draft rules to eliminate or adequately reduce any adverse impact. Furthermore, the Commission is required, pursuant to R.C. 121.82, to provide the Common Sense Initiative (CSI) office the draft rules and the BIA.

{¶ 5} In accordance with R.C. 121.95(F), a state agency may not adopt a new regulatory restriction unless it simultaneously removes two or more other existing regulatory restrictions.

***B. PIPP Plus Program History and Procedural History***

{¶ 6} The low-income assistance program now known as the Percentage of Income Payment Plan Plus (PIPP) began in 1983. In 2008, as part of the rule review process, the Commission significantly revised the gas PIPP program in an effort to achieve specific goals, including to contain the escalating costs of the energy program; create more affordable payments for participants; improve payment patterns and encourage responsible payment behavior; interrupt the seasonal cycle of disconnection; improve credit records and help break the cycle of poverty by awarding good payment history with arrearage crediting; encourage PIPP customers' successful migration from the PIPP program; improve data collection and company reporting techniques; simplify the program for ease of customer

understanding; and, to the extent feasible, align the gas PIPP program with the electric PIPP program. *In the Matter of the Commission's Review of Chapters 4901:1-17 and 4901:1-18, and Rules 4901:1-5-07, 4901:1-10-22, 4901:1-13-11, 4901:1-15-17, 4901:1-21-14, and 4901:1-29-12 of the Ohio Administrative Code, Case No. 08-723-AU-ORD (2008 Rule Review), Entry (June 25, 2008) at 6.*

{¶ 7} By Entry issued January 14, 2019, this proceeding was initiated to commence the Commission's five-year review of the rules contained in Ohio Adm.Code Chapters 4901:1-17 and 4901:1-18 regarding establishment of credit for residential service and termination of residential service. Included among the rules in Ohio Adm.Code Chapter 4901:1-18 are the provisions for the gas PIPP program. The PIPP program is available to both electric and gas residential customers. The Ohio Development Services Agency's (ODSA) rules, applicable to the electric PIPP program, are in Ohio Adm.Code Chapter 122:5-3. To facilitate the efficient review of the rules for the PIPP programs, the staffs of the Commission and ODSA are coordinating their review of the PIPP rules. The January 14, 2019 Entry also scheduled a workshop for interested stakeholders on February 5, 2019.

{¶ 8} The Commission and ODSA held a joint workshop, as scheduled, on February 5, 2019.

{¶ 9} After evaluating the rules and taking into consideration the comments made at the workshop, the Commission issued Staff's proposed amendments to the rules along with the BIAs on June 19, 2019. Interested stakeholders were directed to file comments to the rules in Ohio Adm.Code Chapters 4901:1-17, 4901:1-18, and 122:5-3, in the Commission's case docket by July 19, 2019, and to file reply comments by August 9, 2019.

{¶ 10} By Entry issued August 9, 2019, the time to file reply comments was extended to August 15, 2019.

{¶ 11} Comments and/or reply comments were filed by Ohio Power Company dba AEP Ohio (AEP Ohio); Duke Energy Ohio, Inc. (Duke); The Citizens Coalition (Citizens

Coalition); Columbia Gas of Ohio, Inc. (Columbia); jointly by Vectren Energy Delivery of Ohio, Inc. (Vectren) and The East Ohio Gas Company dba Dominion Energy Ohio (Dominion); jointly by Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company (jointly and collectively, FirstEnergy); Ohio Partners for Affordable Energy (OPAE); The Dayton Power and Light Company (DP&L); Interstate Gas Supply, Inc.; jointly by Advocates for Basic Legal Equality, Inc. (ABLE), The Legal Aid Society of Cleveland (Legal Aid-Cleveland), The Legal Aid Society of Columbus (Legal Aid-Columbus), The Legal Aid Society of Greater Cincinnati (Legal Aid-Cincinnati), Ohio Consumers' Counsel (OCC), Ohio Poverty Law Center (OPLC), Pro Seniors, Inc., and Southeastern Ohio Legal Services (Legal Aid-SE) (jointly and collectively, Consumer Advocates);<sup>1</sup> The Breathing Association (TBA); and jointly by ABLE, Community Legal Aid Services, Legal Aid-Cleveland, Legal Aid-Columbus, Legal Aid Society of Southwest Ohio, LLC, OPLC, and Legal Aid-SE (jointly and collectively, Ohio Legal Aids).

**C. *Ohio Adm.Code Chapter 4901:1-17***

**1. OHIO ADM.CODE 4901:1-17-01, DEFINITIONS**

{¶ 12} Staff did not propose any revisions to Ohio Adm.Code 4901:1-17-01 and no commenter recommended any revision to the rule. However, the Commission notes that paragraph (I), the definition for tampering, is missing a comma and, therefore, adopts this non-substantive amendment.

**2. OHIO ADM.CODE 4901:1-17-02, GENERAL PROVISIONS**

{¶ 13} Staff did not propose any revisions to Ohio Adm.Code 4901:1-17-02. However, based on the comments received and the Commission's decision in regard to Ohio Adm.Code 4901:1-18-02(D), the Commission also revises paragraph (E) of Ohio Adm.Code 4901:1-17-02 to emphasize that where the customer and the utility company agree, all

---

<sup>1</sup> The Reply Comments filed by Consumer Advocates also included the Coalition on Homelessness and Housing in Ohio and Communities United for Action.



notices, including the disconnection notice may be presented electronically. See the discussion in regard to Ohio Adm.Code 4901:1-18-02(D) below.

**3. OHIO ADM.CODE 4901:1-17-03, ESTABLISHMENT OF CREDIT**

{¶ 14} Ohio Adm.Code 4901:1-17-03 lists the methods a utility company may utilize to determine an applicant for residential service financially responsible. Staff did not propose, nor did any commenter propose, amendments to this rule.

{¶ 15} The Commission notes that, since these rules were issued for comment, the Commission's website has been updated and, therefore, subsection (5)(b) of Ohio Adm.Code 4901:1-17-03(A) and the Appendix must be revised to reflect the location of the guarantor agreement form on the Commission's new website.

**4. OHIO ADM.CODE 4901:1-17-04, DEPOSIT TO REESTABLISH CREDITWORTHINESS**

{¶ 16} Currently, paragraph (B) of Ohio Adm.Code 4901:1-17-04 permits a utility company to require a deposit if the customer fails to make full payment or payment arrangements for any given bill with a previous past due balance for regulated services.

{¶ 17} Staff proposes that the rule be revised to permit the utility to require a deposit after two consecutive bills that include a past due balance for regulated utility service.

{¶ 18} Duke comments that, while Duke does not oppose the change, Duke believes it will cause more deposits to be assessed than the company currently requests and also will necessitate a change in Duke's billing systems (Duke at 1).

{¶ 19} Vectren and Dominion recommend that Staff's proposal be amended to limit the two consecutive bills to the preceding 12 months (Vectren/Dominion at 1).

{¶ 20} DP&L notes that the proposed amendment could foreseeably result in increased uncollectible expenses for the utilities as a result of additional charges accruing for an additional billing period (DP&L Reply at 7).

{¶ 21} Consumer Advocates request that the Commission Staff first determine, prior to the Commission adopting this modification, that this proposal will not increase the number of customer deposits or have a disparate impact on consumers. Consumer Advocates submit customer deposits are expensive and can contribute to the overall unaffordability of utility services. If customers are already struggling to pay gas and/or electric bills, an additional deposit is not particularly helpful in securing payment or in helping customers avoid disconnection. In addition, Consumer Advocates state, because deposits are generally required to reconnect service following disconnection, the deposit would seemingly not have much impact on reducing uncollectible debt. Consumer Advocates ask that the Commission direct the Staff to evaluate the written credit procedures that each utility is required to maintain to determine the impact that a “midlife” deposit will have on consumers and to evaluate the costs associated with modifying the utility company’s billing systems to implement the “midlife” deposit prior to adopting the Staff proposed rule change. These commenters contend that changes in procedures that can result in customers being required to pay additional deposits should be discouraged. (Consumer Advocates Reply at 18-19.)

{¶ 22} The Commission finds that Staff’s proposed amendment to paragraph (B) of Ohio Adm.Code 4901:1-17-04 is merely intended to give effect to and clarify the phrase “previous past due balance” as reflected in the current rule, not to change the intent of the rule. And, for that reason, the Commission believes it is unlikely that the amendment will have a direct disparate impact on consumers or cause the number of customer deposits to increase. Further, we note that pursuant to this provision of the rule, the utility may also determine that a deposit is not warranted and work with the customer to negotiate a mutually acceptable payment arrangement. Accordingly, paragraph (B) should be amended as proposed by Staff.

5. **OHIO ADM.CODE 4901:1-17-07, RECORD OF DEPOSIT**

{¶ 23} Consistent with record retention requirements, Staff would revise Ohio Adm.Code 4901:1-17-07 to state that the utility companies are required to retain the records for a cash deposit for three years after the deposit is refunded or otherwise disposed of.

{¶ 24} Duke notes that it currently retains deposit records for three years and, therefore, supports the proposed amendment to the rule (Duke at 2).

{¶ 25} As all electric and gas utilities should be retaining the records for deposits, including the disposition of deposits held, for a minimum of three years consistent with Ohio Adm.Code 4901:1-9-06, Appendix A at 17, the Commission finds the rule should be adopted as proposed by Staff.

*D. Ohio Adm.Code Chapter 4901:1-18*

1. **OHIO ADM.CODE 4901:1-18-01, DEFINITIONS**

{¶ 26} While Staff proposed certain amendments to Ohio Adm.Code 4901:1-18-01, none were substantive revisions to the definitions.

*a. Paragraph (K)*

{¶ 27} This provision of the rule defines a “former percentage of income payment plan plus customer” or former PIPP plus customer.

{¶ 28} OP AE recommends that the Commission adopt the definition for a former PIPP customer from ODSA’s rules for the electric PIPP program, as according to OP AE, ODSA’s definition is clearer. Further, OP AE encourages the Commission and ODSA to make all the definitions consistent because alternate definitions only serve to complicate the rules for customers and ODSA agency staff that work with the rules daily. (OP AE at 4.)

{¶ 29} The Commission notes that the term “former PIPP plus customer” is used in Ohio Adm.Code 4901:1-18-15(G), 4901:1-18-16(D), and 4901:1-18-17(B). Further, the Commission finds that ODSA’s and the Commission’s definitions of a former PIPP customer

are essentially the same. However, for clarity, we have revised the structure to more closely mirror ODSA's definition, at Ohio Adm.Code 122:5-3-01, and revised paragraph (K) of Ohio Adm.Code 4901:1-18-01, accordingly.

*b. Paragraph (Q)*

{¶ 30} Ohio Adm.Code 4901:1-18-01(Q) provides that the "PIPP plus anniversary date" means the calendar date by which the PIPP plus customer must be current on his or her income-based PIPP payments to continue participation in the program. The anniversary date shall be at or about every 12 months from when the customer enrolled in PIPP. This date is used to calculate when any missed income-based PIPP payments are due for continued program participation. The anniversary date is also used to review and recalculate the arrearage credit, if necessary.

{¶ 31} OPAGE recommends that the definition of PIPP plus anniversary date be revised to eliminate any reference to the requirement that the PIPP participant be current on income-based payments. OPAGE's recommendation regarding the definition is consistent with the commenter's proposal not to require PIPP participants to make up missed PIPP installments prior to re-enrolling in the program as required by Ohio Adm.Code 4901:1-18-12 and 4901:1-18-15.

{¶ 32} Consistent with the Commission's decision regarding missed PIPP payments in Ohio Adm.Code 4901:1-18-12 and 4901:1-18-15, the definition will be retained as currently effective.

*c. Paragraph (S)*

{¶ 33} The current definition of the "PIPP plus reverification date" prescribes that reverification, the submission of documents demonstrating the household income and household size, shall be every 12 months from the customer's last reverification. Staff did not propose any revisions to this provision of the rule.

{¶ 34} OP&A;E asserts there is little point to having both an anniversary date and a reverification date in the rules. OP&A;E recommends modifying the definition of PIPP plus reverification date to eliminate the requirement that participants reverify on or about every 12 months. OP&A;E recommends language which requires PIPP customers to reverify periodically as determined by ODSA. (OP&A;E at 5.)

{¶ 35} The Commission disagrees with OP&A;E. Maintaining a consistent reverification term for all PIPP participants helps to maintain the integrity of the PIPP programs. Furthermore, the rules and the Commission's policies permit the local community agencies, with the assistance of ODSA, to address administrative anomalies that may arise. Accordingly, the Commission denies OP&A;E's proposal to amend this definition.

*d. Additional Definitions Proposed*

{¶ 36} Consumer Advocates propose that the Commission adopt a definition for "active PIPP customer," like ODSA's definition of an electric PIPP customer, to better identify the obligations that PIPP customers have for making PIPP payments during the time the customer is enrolled in PIPP or if they leave the program and subsequently seek to re-enroll in PIPP. Consumer Advocates propose an active PIPP customer be defined as a customer who is both currently enrolled in PIPP and currently using utility service from a local distribution company.<sup>2</sup> (Consumer Advocates at 12-13.)

{¶ 37} Given the Commission's decision not to adopt Consumer Advocates' revision to the gas PIPP eligibility requirements, at Ohio Adm.Code 4901:1-18-12, we see no reason to add the proposed definition. Accordingly, Ohio Adm.Code 4901:1-18-01 should be adopted as proposed by Staff and attached herein.

---

<sup>2</sup> As currently effective, ODSA's electric PIPP rules define an "active PIPP plus customer" as a customer who is both currently enrolled in PIPP plus and currently using utility service from the electric distribution utility receiving payments from the fund for such customer. Ohio Adm.Code 122:5-3-01(C).

## 2. OHIO ADM.CODE 4901:1-18-02, GENERAL PROVISIONS

### a. *Paragraph (B)*

{¶ 38} Ohio Adm.Code 4901:1-18-02(B) puts utility companies on notice that nothing in Ohio Adm.Code Chapter 4901:1-18 precludes the Commission from altering or amending the rules and regulations within the chapter, prescribing a different standard, or waiving a requirement, standard, or rule for good cause. Staff did not propose any revisions to Ohio Adm.Code 4901:1-18-02(B).

{¶ 39} OP&E recommends that subsections (2) and (3) of Ohio Adm.Code 4901:1-18-02(B) be eliminated to require that any change to the rules in this chapter be accomplished through a rulemaking process, not through waivers. Consistent with OP&E's proposal to amend paragraph (B), OP&E recommends paragraph (B)(1) also be revised to specifically state that altering, or amending, in whole or in part, the rules and regulations in this chapter occurs through a rulemaking process under R.C. Chapter 106. (OP&E at 11-12.)

{¶ 40} FirstEnergy opposes OP&E's proposal which would eliminate the ability to seek a waiver of the provisions under Ohio Adm.Code Chapter 4901:1-18. FirstEnergy submits that, although the Commission reviews its rules every five years, OP&E's proposal would not allow for interim changes to recognize advances in technology and operations, such as remote reconnection and disconnection. FirstEnergy reasons that the Commission should not be restricted from granting reasonable waivers to utilities under appropriate circumstances. More specifically, FirstEnergy opposes OP&E's request to prohibit waivers pursuant to Ohio Adm.Code 4901:1-18-02, particularly regarding personal notice on the day of disconnection and the acceptance of payments by field personnel (Ohio Adm.Code 4901:1-18-06(A)(2) and (A)(4), respectively) on the basis that each poses a safety risk to utility personnel. (FirstEnergy Reply at 5-6.)

{¶ 41} Columbia also opposes OP&E's recommended revision to paragraph (B). As an initial matter, Columbia states the rulemaking procedures set forth in R.C. Chapter 106 apply to agencies as defined in R.C. 106.01(A) which does not include the Commission.

Further, Columbia contends that OP&E's proposed amendment to remove the "good cause" basis for altering standards interferes with the Commission's broad statutory authority to govern public utilities.<sup>3</sup> Columbia, Vectren, and Dominion state that OP&E provides no examples or situations where the Commission abused its authority to waive its own rules. Columbia notes that OP&E does not provide any precedent for its assertions. Columbia reasons the Commission's right to amend the regulations and its ability to set connection standards and grant waivers are a critical exercise of the Commission's discretionary authority and the good cause element of the rule provides the Commission with the necessary flexibility to respond effectively in the event of an unusual, unforeseen circumstance that is governed by its own rules in Ohio Adm.Code Chapter 4901:1-18.<sup>4</sup> (Columbia Reply at 1-2; Vectren/Dominion Reply at 4.)

{¶ 42} Vectren and Dominion state that OP&E seeks to eliminate the Commission's discretion to regulate a diverse group of utilities providing service in different industries, to different customer bases in different geographic areas, utilizing different technological and operational capabilities, under different regulatory requirements. Vectren and Dominion note that OP&E has not offered any argument or explanation for eliminating the Commission's authority. Further, Vectren and Dominion state that company-specific waiver requests can be, should be, and are considered on their own merits. (Vectren/Dominion Reply at 4.) Accordingly, FirstEnergy, Columbia, Vectren, and Dominion recommend that the Commission reject the amendments proposed by OP&E.

{¶ 43} The Commission rejects OP&E's proposal to revise paragraph (B) of Ohio Adm.Code 4901:1-18-02. To have the ability to address the myriad of circumstances that come before the Commission, the Commission must have the flexibility, within its authority and jurisdiction, to revise, amend, or waive the rules and regulations in this chapter.

---

<sup>3</sup> See *Akron v. Pub. Util. Comm.*, 149 Ohio St. 347, 359, 78 N.E.2d 890 (1948) ("The powers thus conferred upon the Public Utilities Commission are very broad and comprehend authority for supervision, regulation and, in a large measure, control of the operations of public utilities.").

<sup>4</sup> *2008 Rule Review, Finding and Order* (Dec. 17, 2008) at 28.

Through the complaint process, the Commission has been made aware of circumstances where compliance with certain Commission rules has had an unintended consequence and, in such cases, has ordered that the involved utility company take certain action to avoid further inconvenience to the customer or end user. *See In the Matter of the Complaint of Jean Hails and Mary Higgins*, Case No. 95-826-GA-CSS, Opinion and Order (Mar. 12, 1998); *In the Matter of the Complaint of Buckeye Linen Company v. Ohio Power Company*, Case No. 93-782-EL-CSS, Opinion and Order (Apr. 7, 1992). The proposed amendment to paragraph (B) would severely limit the Commission's ability to process cases and, therefore, OPAE's request to revise the rule is denied.

***b. Paragraph (D)***

{¶ 44} Ohio Adm.Code 4901:1-18-02(D) permits the use of electronic transactions and notices, including the disconnection notice, if the customer and utility company agree. Staff did not propose any amendment to this provision of the rule.

{¶ 45} AEP Ohio proposes, and FirstEnergy, Vectren, and Dominion endorse, that paragraph (D) be revised to clarify that all notifications, including the disconnection notice, will be provided electronically if a customer elects to receive electronic notification. As interpreted by Vectren and Dominion, paragraph (D) of the rule already permits the use of electronic notices for customers without limitation, assuming consistency with Commission requirements or guidelines. On that basis, Vectren and Dominion support the revision of the rule. (AEP Ohio at 1; FirstEnergy Reply at 7; Vectren/Dominion Reply at 4.)

{¶ 46} Consumer Advocates argue that, under AEP Ohio's proposal, customers who either receive or pay their monthly electric bills electronically would forgo their rights to have any transactions, or to receive any notices from the utility, in any form other than electronically. According to Consumer Advocates, this is problematic in situations where customers may not have access to e-mail and other electronic means for receiving important notices pertaining to their utility services. Customers should have the right to decide which transactions and notices, if any, they receive electronically, and which notices they receive



in writing through the mail or in another form. Customers should be informed by the utility about any risks that they assume by receiving notices (like disconnection notices) electronically rather than through the mail or in-person. Finally, if customers choose to have transactions and notices provided electronically, the utility should have the obligation to obtain written consent from the customer specifying which transactions and notices will be performed electronically. (Consumer Advocates Reply at 6-8.)

{¶ 47} Consistent with our conclusion on this issue in prior rule review proceedings, the Commission finds that where a customer has *affirmatively consented to communicate* and to conduct transactions with the utility company electronically, the utility company should abide by the agreement. *2008 Rule Review, Finding and Order* (Dec. 17, 2008) at 28. Contrary to Consumer Advocates' interpretation, the rule already permits the disconnection notice, as well as other notices, to be provided electronically. However, to better ensure that customers electing to communicate with the utility electronically understand the scope of the agreement, the Commission finds that the consent agreement to communicate electronically must specifically indicate that all notices, including any disconnection notice will be sent electronically. The Commission puts utility companies on notice that a customer who has affirmatively consented to electronic communications shall be permitted, at any time, to withdraw the consent to electronic communications. The Commission further clarifies that it is not affirmative consent to electronic notice if the customer merely pays the utility bill electronically. AEP Ohio's language only clarifies what is already permitted. However, the Commission has amended the rule, as well as Ohio Adm.Code 4901:1-17-02(E), to further clarify the intent.

**3. OHIO ADM.CODE 4901:1-18-03, REASONS FOR DISCONNECTING RESIDENTIAL ELECTRIC, GAS, OR NATURAL GAS SERVICE.**

{¶ 48} This rule sets forth the nine reasons for which a utility company may disconnect a residential customer's service, including at paragraph (I), for good cause shown. Staff did not propose any revisions to Ohio Adm.Code 4901:1-18-03. However, the

Commission notes that paragraph (I), the definition for tampering, is missing a comma and, therefore, adopts this non-substantive amendment.

{¶ 49} Consumer Advocates submit that paragraph (I) is ambiguous and could possibly lead to customers' services being disconnected according to terms that are solely based on the discretion of the utility. In addition, Consumer Advocates reason the disconnection of natural gas or electric utility services for "good cause shown" is not supported under Ohio law, as R.C. 4933.12 and 4933.121 provide specific reasons why electric or natural gas services can be disconnected and good cause shown is not one of those reasons. For this reason, Consumer Advocates maintain that the Commission should delete paragraph (I) of Ohio Adm.Code 4901:1-18-03 to ensure that electric and natural gas utilities remain compliant with Ohio law. Citizens Coalition endorses the recommendation of Consumer Advocates and further asserts that "for good cause shown" is nebulous and undefined and the ambiguity could cause problems for the utility company and for customers. (Consumer Advocates at 13; Citizens Coalition Reply at 8.)

{¶ 50} FirstEnergy, Columbia, DP&L, Vectren, and Dominion oppose the deletion of paragraph (I) of this rule. FirstEnergy states that "for good cause shown" gives the utilities flexibility to ensure that customers are following all required rules in the Ohio Administrative Code and the utility's tariff, as well as gives the utilities the flexibility to handle loopholes. Columbia and DP&L aver that Consumer Advocates misconstrue R.C. 4933.12 and 4933.121. Columbia and DP&L declare the provisions of those code sections are not, as Consumer Advocates aver, exhaustive as to the reasons for disconnecting service. The list presented in the cited sections of the Revised Code is intentionally non-exhaustive, according to Columbia and DP&L, to reflect the general understanding that not every fact-specific situation can be enumerated in the statutes. Columbia states that, as written, the rule reflects an overall statutory intent to allow utility companies to use their reasonable discretion in unforeseen circumstances to disconnect customers. Vectren and Dominion state that, particularly for natural gas companies and electric companies who deliver a product that is hazardous if not properly controlled, it is critical that the rules provide some

operational discretion to turn off service, even if doing so is not within the strict letter of the enumerated provisions of the rule. Further, Vectren and Dominion state that seeking a waiver in advance of disconnection would be impractical in most situations, while the need to disconnect may be urgent. Columbia notes that Consumer Advocates provide no examples or other indicia that utilities are abusing their discretion under the guise of good cause shown. Vectren and Dominion add that, while Ohio Adm.Code 4901:1-18-03(I) affords some discretion, that discretion is not unreviewable. Vectren and Dominion note that this provision of the rules has been in place for many years. Columbia submits that the proposed amendment to Ohio Adm.Code 4901:1-18-03(I), to eliminate the ability to disconnect for good cause shown, may hinder a utility's ability to provide individually tailored treatment to customers and respond effectively to certain situations that cannot be anticipated. (FirstEnergy Reply at 9-10; Columbia Reply at 2-3; DP&L Reply at 6; Vectren/Dominion Reply at 4-5.)

{¶ 51} The Commission finds the proposed revision of Ohio Adm.Code 4901:1-18-03, to eliminate paragraph (I), to be without merit. OPAE does not offer, and the Staff has not observed or been made aware of, any instance where the electric distribution utility or local distribution company has abused this provision of the rules despite it being in effect for nearly ten years. *2008 Rule Review*, Entry (June 3, 2009) at 2. Accordingly, the Commission finds it appropriate to retain Ohio Adm.Code 4901:1-18-03 substantively, as currently effective, with two minor amendments to paragraph (E) and subsection (E)(2).

**4. OHIO ADM.CODE 4901:1-18-05, EXTENDED PAYMENT PLANS AND RESPONSIBILITIES.**

*a. Paragraph (A)*

{¶ 52} The Staff did not propose any amendment to paragraph (A) of Ohio Adm.Code 4901:1-18-05. As currently effective, the first sentence of Ohio Adm.Code 4901:1-18-05(A) requires the utility, upon contact by a customer whose account is delinquent, to offer a reasonable extension of the due date, if the utility and the customer find an extension agreeable.

{¶ 53} Duke requests clarification of the phrase “reasonable extensions.” Specifically, Duke asks if it is the Commission’s intent that a customer be advised of the availability of additional days to make payment or that the customer be advised of multi-month payment plans that must be offered pursuant to paragraph (B) of the rule.<sup>5</sup>

{¶ 54} OP&A and Consumer Advocates argue that Duke’s practice of extending the due date for payment before providing customers with information on payment plans is not an acceptable practice and indeed OP&A asserts it is a violation of the rules. OP&A asserts customers may not pursue any other options, if Duke offers an extension of the due date, and does not explain all the other payment plan options. As Consumer Advocates interpret the rule, the utility company is required to work with customers to develop a mutually agreeable affordable extended payment plan. (OP&A Reply at 7; Consumer Advocates Reply at 8.)

{¶ 55} The Commission finds that the rule requires the utility company to offer all the options afforded by Ohio Adm.Code 4901:1-18-05, an extension of the due date, a customized payment plan, if mutually agreeable to the customer and the utility, and the payment plans offered in accordance with paragraph (B), depending on the customer’s circumstances. After learning of the customer’s circumstances, the utilities should inform the customer of the utility’s ability to extend the due date and all the other payment plan options. With all the information required by the rule, the customer may determine, based on the circumstances, that only an extension of time to make full payment of the amount due is necessary. All utility companies under the jurisdiction of the Commission have the flexibility to make payment extensions (additional days to make a payment) or extended payment plans to help a customer avoid the disconnection of utility service. If the company

---

<sup>5</sup> Duke requests clarification of this rule to determine “whether or not a change in its practices is required.” This is not the proper method to determine whether Duke’s policies and practices are in compliance with the rules in this chapter. Such a determination is better determined by self-complaint, audit, or Staff review and investigation, not as an aspect of a rule review proceeding. Duke may also discuss the matter directly with the appropriate Staff.

and customer cannot agree on a reasonably acceptable customized payment plan, the utility company must offer the extended payment plans outlined in paragraph (B).

*b. Paragraph (B)*

{¶ 56} Ohio Adm.Code 4901:1-18-05(B) dictates that, if the customer does not propose mutually agreeable payment terms, the utility must inform the customer of the one-sixth, one-ninth, and winter heating season plans and, if the customer requests additional information about PIPP, inform the customer of the eligibility requirements for PIPP Plus, and direct the customer to the local community action agency.

{¶ 57} OP&E proposes that reference to the local community action agency be amended and clarified. Specifically, OP&E asks that the phrase be amended to add “or other community-based nonprofit organization designated by the Ohio development services agency.” (OP&E at 12.)

{¶ 58} In their reply, Vectren and Dominion state that, while they are not opposed to OP&E’s recommendation, it is important that the utilities receive clear guidance both identifying any additional organizations and clarifying which customers in each locality should be directed to which organizations (Vectren/Dominion Reply at 5-6).

{¶ 59} The Commission agrees with OP&E’s recommendation and Ohio Adm.Code 4901:1-18-05(B) has been revised accordingly. As to the concern raised by Vectren and Dominion, the Commission advises the utilities that ODSA maintains on its website the list of local energy assistance providers by county along with each provider’s contact number. In addition, utility customers and the utilities may call ODSA’s toll free telephone number and, by utilizing its interactive system, input the customer’s zip code to learn the local energy assistance provider in the customer’s service area and contact the local energy assistance provider to determine the services offered.

5. **OHIO ADM.CODE 4901:1-18-06, DISCONNECTION PROCEDURES FOR ELECTRIC, GAS, AND NATURAL GAS UTILITIES.**

*a. Paragraph (A)*

{¶ 60} This provision permits the utility company to disconnect the service of a delinquent residential customer account, after complying with certain requirements, including providing notice at least 14 days in advance of disconnection. The notice is often referred to as the 14-day notice.

{¶ 61} AEP Ohio proposes that paragraph (A) be amended to have the 14-day notice expire 60 days after the disconnection date stated on the notice to be consistent with the Staff's proposal to have the ten-day notice expire in Ohio Adm.Code 4901:1-18-06(B)(3). AEP Ohio makes this proposal so that all disconnection notices would expire 60 days after the disconnection date stated on the notice regardless of the time of year when the notice was issued. (AEP Ohio at 2.)

{¶ 62} Vectren and Dominion oppose AEP Ohio's proposal to have the 14-day notice expire 60 days from the date of the disconnection stated on the notice for the same reasons expressed by the companies in regard to Staff's proposal to have the 10-day notice expire in Ohio Adm.Code 4901:1-18-06(B)(3) (Vectren/Dominion at 4-9; Vectren/Dominion Reply at 6).

{¶ 63} For the same reasons that the Commission has elected not to enact Staff's proposal to Ohio Adm.Code 4901:1-18-06(B)(3) for the ten-day notice to expire, we will not adopt a provision for the 14-day notice to expire.

*b. Paragraph (A)(1)*

{¶ 64} At Ohio Adm.Code 4901:1-18-06(A)(1), the rule prohibits the disconnection of utility service after 12:30 p.m. for nonpayment when the utility is not available to restore utility services the next day. Staff proposed to extend the time to 3:30 p.m. where a meter with remote reconnection capabilities was installed. The Staff's intent was to give customers

more time to make payment on the day of disconnection and thereby avoid the disconnection while also facilitating the reconnection of service before the end of the utility's business day.

{¶ 65} Duke, Vectren, Dominion, and FirstEnergy agree that the rule should be clarified to apply only if a meter with remote disconnection and reconnection capabilities is installed, certified and/or in service or being utilized by the utility, to give the electric distribution utilities flexibility as they deploy advanced metering infrastructure (AMI) or smart meters (Duke at 2-3; Vectren/Dominion at 2-3; FirstEnergy Reply at 7; Duke Reply at 4).

{¶ 66} OPAE and Citizens Coalition oppose Staff's proposal regarding the time deadline when disconnection can occur with remote meter capabilities, as OPAE and Citizens Coalition contend the time change does not affect what a customer must do to avoid disconnection or get reconnected. OPAE recommends that Staff's proposal not be accepted by the Commission. Consumer Advocates state that the impact of the proposed amendment is to afford customers less time to make payment arrangements with the utility in order to get their services restored on the next business day. Further, OPAE advises that the Commission enact a rule that caps reconnection fees at a level reflecting the reduced costs of remote reconnections. (OPAE Reply 7-8; Consumer Advocates at 13-15; Citizens Coalition Reply at 8.)

{¶ 67} Consumer Advocates assert that customers with remote meter capabilities should be reconnected within one hour after payment is received (Consumer Advocates at 14-15).

{¶ 68} FirstEnergy, Vectren, Dominion, DP&L, and Duke encourage the Commission to reject Consumer Advocates' one-hour reconnection amendment to the rules. Duke argues that, in regard to reconnection time limits, the current rule is adequate. FirstEnergy states that the rationale for Consumer Advocates' proposal is flawed and, while many remote reconnections will likely be performed within one hour of the proof of

payment being received, some remote reconnections will require additional communication attempts with the smart meter, making the proposal impractical. FirstEnergy and Duke explain that, in rare situations where remote reconnection fails due to equipment errors, reconnection may be delayed until a crew is available to be dispatched to the service location, which can be the next business day. Vectren and Dominion state that, while remote capabilities are not presently installed in their respective service areas, Vectren and Dominion nonetheless oppose this recommendation as it appears extremely aggressive and impractical and Consumer Advocates have not provided an explanation for the one-hour timeframe. Duke notes that it provides reports to the Commission regarding reconnection and disconnection failures so that the Staff is aware of shortcomings that may need to be addressed. DP&L states that not all utilities have implemented grid modernization and may not employ the same technologies, and for that reason, DP&L asserts the proposed rule revisions are premature. Accordingly, DP&L recommends the Commission address such issues in grid modernization cases or after such cases are resolved, if necessary. (FirstEnergy Reply at 8-9; Vectren/Dominion Reply at 6; Duke Reply at 3; DP&L Reply at 7.)

{¶ 69} The Commission notes that Staff's intent was to afford persons faced with disconnection more time to make the payment on the day of disconnection. However, as represented by Consumer Advocates, the Staff's proposal may have the unintended consequence of affording the customer less time to secure the reconnection of utility service on the day of disconnection where a meter with remote capabilities is installed and operational. We also find it far too restrictive to require that service be restored within one-hour after payment is received, as recommended by Consumer Advocates. The proposal does not account for the method of payment by the customer and the transaction processing time or the possibility of remote meter equipment failure that may impact restoration time. Accordingly, the Commission rejects each of the proposed amendments to paragraph (A)(1) and concludes the provision should continue as currently effective without change.



c. *Paragraph (A)(2)*

{¶ 70} As currently effective, Ohio Adm.Code 4901:1-18-06(A)(2) requires that, on the day of disconnection, the utility company provide the customer with personal notice or, if no adult consumer is home, that the utility attach written notice to the premises in a conspicuous location. The Staff did not propose any amendment to this provision.

{¶ 71} AEP Ohio suggests, and FirstEnergy endorses, that this provision of the rules be amended to require the utility to provide additional telephonic notifications, in lieu of personal notice on the day of disconnection, where a meter with remote capabilities is installed consistent with AEP Ohio's Commission-approved process. AEP Ohio would amend the rule as follows: "If a meter with remote disconnection capabilities is installed at the premise, additional telephonic notices shall be made at least 10-days prior to disconnection in lieu of personal notice on the day of disconnection. If the utility is unable to reach the customer, by positive voice response or to leave a message, regarding the disconnection, a notice will be sent via U.S. mail. Customers may choose to receive the additional notice electronically in lieu of phone calls/mailings." FirstEnergy avers that the proposal is a sensible process for providing notices to customers with smart meters. (AEP Ohio at 3; FirstEnergy Reply at 6.)

{¶ 72} DP&L also offers a proposal to amend this provision of the rules to only have personal contact with the customer on the day of disconnection where there is not a meter with remote connection capabilities installed (DP&L Reply at 7).

{¶ 73} The Citizens Coalition generally opposes the use of smart devices to notify customers of impending disconnection of utility service in place of personal notification. Citizens Coalition asserts that low-income households may have difficulties using such devices or responding to them, the device may not be working properly, or there may be disconnections of various kinds. Citizens Coalition submits that low-income families should not be surrendered to these "inhuman" devices of AMI. (Citizens Coalition Reply at 10.)

{¶ 74} Contrary to the position of the Citizens Coalition, the AMI or smart meter, at this time, will not be used to contact the customer regarding the impending termination of utility service; rather, the customer will be contacted by telephone or, if the customer has consented to electronic notification, pursuant to Ohio Adm.Code 4901:1-18-02(D), by email or text. Installed and operational AMI with remote capabilities, if operating properly, allows, among other things, the electric distribution utility to connect and disconnect electric service from the utility company's facilities, without dispatching utility personnel to the service location.

{¶ 75} As noted above, Duke and AEP Ohio have been granted waivers from the personal notice requirements of Ohio Adm.Code 4901:1-18-06(A)(2), subject to compliance with specific communications requirements. *In re Duke Energy Ohio, Inc. for a Waiver*, Case No. 16-1096-EL-WVR, Finding and Order (Mar. 8, 2017); *In re Duke Energy Ohio, Inc. for a Waiver of Ohio Adm.Code 4901:1-18-06(A)(2)*, Case No. 19-187-EL-WVR, Finding and Order (Sept. 26, 2019), Entry on Rehearing (Nov. 21, 2019); *In re Ohio Power Company for a Limited Waiver of Ohio Adm.Code 4901:1-18-06(A)(2)*, Case No. 13-1938-EL-WVR, et al., Entry (Mar. 18, 2015), Finding and Order (Apr. 11, 2018). The Commission notes that Duke's waiver has most recently been extended for a term of five years, until May 1, 2024. To facilitate the Commission's continuing review of the waiver of personal notice on the day of disconnection, with the world's ever-increasing use of personal communication devices, the Commission will not incorporate the personal notice waivers into the rules at this time. The Commission notes that its refusal to eliminate the personal notice requirements and incorporate the waiver into the rules should not be interpreted as a refusal to review a utility's disconnection practices, policies, and procedures in consideration of a request for a similar waiver to that afforded Duke and AEP Ohio.

{¶ 76} OPAE proposes a new subsection be added to Ohio Adm.Code 4901:1-18-06(A), to recognize, as certain utilities have submitted, that some customers are threatening or dangerous to deal with and, with remote meter technology available, the requirement of a personal visit on the day of disconnection may be eliminated. OPAE states that, rather

than a wholesale waiver, an appropriate exception makes sense. Accordingly, OP&E proposes Ohio Adm.Code 4901:1-18-06(A) be amended to include the following language: “a company is not required to provide a personal notice if a reasonable man would conclude there is a threat of bodily harm to the utility personnel attempting to deliver the notice.” (OP&E at 12-13.)

{¶ 77} FirstEnergy, Vectren, and Dominion endorse OP&E’s proposal, which would, in the opinion of Vectren and Dominion, provide a clear and limited exception to the requirement of notice on the day of disconnection but would help protect utility field personnel where there is a reasonable concern for safety (Vectren/Dominion Reply at 6; FirstEnergy Reply at 6-7).

{¶ 78} As commenters note, AEP Ohio and DP&L have been granted a waiver of the personal notice requirements of Ohio Adm.Code 4901:1-18-06(A)(2). The Commission notes that the personal notice requirements have been waived, subject to certain conditions, where customers, tenants, or household members have acted aggressively or violently, assaulted or threatened to assault utility personnel or its agents, or have damaged utility property. *See In re Ohio Power Company for a Limited Waiver of Ohio Adm.Code 4901:1-18-06(A)(2)*, Case No. 16-1773-EL-WVR, Entry (Feb. 8, 2017); *In re The Dayton Power and Light Company for a Limited Waiver of Ohio Adm.Code 4901:1-18-06(A)(2)*, Case No. 18-1257-EL-WVR, Entry (June 19, 2019). The Commission finds that, rather than supplement this rule to incorporate an exception or waiver of the personal notice requirements, this matter is better addressed by motion for waiver where the Commission can impose conditions based on the circumstances, including the consideration of available technology.

*d. Paragraph (A)(3)(c)*

{¶ 79} Ohio Adm.Code 4901:1-18-06(A)(3)(c) incorporates into the rules the requirements of R.C. 4933.12(E) and 4933.121(D) which direct that the gas, natural gas, or electric distribution company provide to the county human services department, upon the

department's written request, prior notification of impending residential disconnections for failure to pay. Staff did not propose any amendment to this provision.

{¶ 80} OP&E recommends that Ohio Adm.Code 4901:1-18-06(A)(3)(c) be amended to require notice also be provided to the local community action agencies, or other community-based nonprofit organizations designated by ODSA, to enhance the ability of such agencies to manage the Home Energy Assistance Program (HEAP) and PIPP Plus case management for their clients (OP&E at 13).

{¶ 81} Columbia asserts that OP&E's proposed amendment is unwarranted, as Columbia has a dedicated Energy Assistance telephone line for community action agencies to confirm information or to assist customers to enroll or manage HEAP and PIPP Plus. Further, Columbia notes that OP&E does not explain how expanding the notice required by this provision will enhance services to customers or how Ohio customers are harmed by the existing rule. (Columbia Reply at 3.)

{¶ 82} DP&L also opposes this additional requirement on the utilities to identify the appropriate community action partnership, and possibly a community-based non-profit organization, for each residential customer facing disconnection. DP&L notes that, currently, the customer is responsible for initiating contact with the appropriate agency or private organization for assistance. DP&L states that the appropriate organization can determine the customer's eligibility for assistance, and contact the utility via a dedicated telephone line, on behalf of the customer. DP&L argues that requiring utilities to provide notice to local agencies and organizations, as proposed by OP&E, provides nominal benefits, if any, and is not only unduly burdensome to the utilities but can be considered intrusive and violating to the customer who may not want the financial status of their residential account broadcast without their consent. (DP&L Reply at 7-8.)

{¶ 83} Dominion and Vectren oppose expanding the list of notifications. Dominion and Vectren reason that the statute which authorizes the release of the information to the county department of jobs and family services makes no mention of the community action

agencies or nonprofit organizations. Dominion and Vectren assert that it would be improper for the Commission to expand the rule beyond the scope of the authorizing statute. Further, Dominion and Vectren reason that expanding the list of entities who can request the list may create an administrative nightmare for the utilities and the possibility of abuse. In addition, Dominion and Vectren declare that providing upfront authorization to allow an unknown organization to request sensitive customer information raises serious privacy concerns. Accordingly, Dominion and Vectren ask that OP&E's recommendation be rejected by the Commission. (Vectren/Dominion Reply at 7.)

{¶ 84} The Commission finds that the rule shall continue as presently effective without the amendment requested by OP&E. The Commission notes that R.C. 4933.12 and 4933.121 only permit the status of the customer's utility account and customer contact information be shared with the specified county agency and only upon the state agency's written request. The Commission will not expand the list to include the local community action agencies, or other community-based nonprofit organizations designated by the ODSA, as recommended by OP&E. The customer is entitled to privacy regarding the status of the customer's utility account and the customer is free to pursue assistance directly from available public and private agencies and organizations.

*e. Paragraph (A)(4)*

{¶ 85} The Staff did not propose any changes to Ohio Adm.Code 4901:1-18-06(A)(4). As currently effective, the rule vests with the utility company the discretion to authorize its employees and agents who disconnect service to extend payment arrangements but requires that such employees or agents be authorized to either accept payment, dispatch an employee to accept payment, or make available to the customer another means to avoid disconnection.

{¶ 86} FirstEnergy comments that accepting payments in the field exposes the companies' employees to the risk of theft and is administratively costly for the utility. In addition, FirstEnergy declares the concept of an employee accepting cash in the field is

antiquated given that a customer has the ability to pay their utility bill, seven days a week, 24-hours a day, on FirstEnergy's website, by telephone using the utility's interactive voice response platform or, during business hours at numerous payment agent locations. Accordingly, FirstEnergy suggests this provision be amended as follows: Utility company employees or agents of the utility company who disconnect service at the premises may or may not, at the discretion of the utility company, be authorized to: make extended payment arrangements or dispatch an employee to the premises to accept payment. Utility company employees or agents who disconnect service shall be authorized to complete one of the following: (a) accept payment in lieu of disconnection. (b) ~~Dispatch an employee to the premises to accept payment.~~ (c) Make available to the customer another means to avoid disconnection. (FirstEnergy at 5-6.)

{¶ 87} Consumer Advocates note that many Ohio utilities have field collection trip charges in their tariff to recover the costs associated with dispatching an employee to a customer's home to accept payment.<sup>6</sup> Therefore, Consumer Advocates ask that, if the Commission accepts FirstEnergy's recommendation to amend Ohio Adm.Code 4901:1-18-06(A)(4), the Commission specify that collection charges must be removed from the tariff if a utility is not capable of dispatching an employee to the customer's home to accept payment as provided in this provision and in regard to Ohio Adm.Code 4901:1-18-07(C).

{¶ 88} The Commission notes, as the rule is currently effective, it is the utility's decision whether the company wishes to dispatch an employee to the customer premise to accept payment, cash or otherwise, or, as provided in Ohio Adm.Code 4901:1-18-06(A)(4)(c), make available to the customer another means to avoid disconnection. Most large electric and gas utilities accept payment by telephone, online, or via a payment agent. However, for the smaller utilities who may not offer payment by telephone, online, or by payment

---

<sup>6</sup> See Ohio Edison Tariff at Sheet 75. Consumer Advocates submit that other electric utilities have equivalent collection trip charges.

agent, we do not wish to eliminate the employee dispatch option at this time. Accordingly, the Commission concludes that the rule shall continue as currently effective.

*f. Paragraph (B)*

{¶ 89} As currently effective, Ohio Adm.Code 4901:1-18-06(B)(1) directs that the utility company shall not disconnect service to a residential customer for nonpayment unless the utility company “Makes contact with the customer or other adult consumer at the premises ten days prior to disconnection of service by personal contact, telephone, or hand-delivered written notice. Utility companies may send this notice by regular, U.S. mail; however, such notice must allow three calendar days for mailing. This additional notice shall extend the date of disconnection, as stated on the 14-day notice required by paragraph (A) of this rule, by ten additional days.”

{¶ 90} Staff’s proposed amendment to Adm.Code 4901:1-18-06(B)(1) would clarify that the utility can make the requisite contact with the customer by sending the 10ten-day notice via regular U.S. mail.

{¶ 91} Vectren and Dominion comment that it is unclear what is intended by the proposed amendment. As currently effective, Vectren and Dominion interpret this provision to permit the utility to avail itself of three methods to provide the ten-day notice, by personal contact, telephone, or hand-delivery of written notice. Vectren and Dominion assert that the proposed revision introduces confusion. Vectren and Dominion understood personal contact to mean an in-person interaction with the customer at the premises. The revision, according to Vectren and Dominion, suggests that personal contact is something that could be mailed, which calls into question the meaning of the term personal contact and whether the written notice may be mailed. Vectren and Dominion recommend that this provision be retained as currently effective. (Vectren/Dominion at 3-4.)

{¶ 92} Consumer Advocates assert that R.C. 4933.12 and 4933.121 direct gas and electric utilities, respectively, to provide a ten-day notice before utility services are

disconnected between November 1 and April 15. However, Consumer Advocates acknowledge that there may be some ambiguity if the customer's service meets the requirements to be disconnected before November 1 but is not disconnected until after November 1. Consumer Advocates recommend that the rule be clarified to require that the disconnection of utility service after November 1 cannot occur unless the customer first receives the ten-day notice. Consumer Advocates submit that this provision should apply to disconnections that were scheduled to occur before November 1.<sup>7</sup> Consumer Advocates propose that Ohio Adm.Code 4901:1-18-06(B) be retained as currently effective except for the last sentence, which they propose be amended to state "This additional notice shall extend the date of disconnection by ten additional days." (Consumer Advocates at 15-16.)

{¶ 93} OPAE recommends that Ohio Adm.Code 4901:1-18-06(B)(1) be modified to clarify that electronic contacts can only be substituted for written notification with the customer's consent; therefore, OPAE proposes that this provision of the rules be amended to include a final sentence as follows: Electronic contacts are permitted only with affirmative permission of the customer (OPAЕ at 13).

{¶ 94} The Commission acknowledges that utility companies have alleged some ambiguity regarding whether the utility must provide the ten-day notice pursuant to Ohio Adm.Code 4901:1-18-06(B)(1), when the requirements to disconnect have been met and the date on the 14-day notice occurs before November 1. The Commission finds that, for any disconnection of service that occurs on or after November 1 until and including April 15, the utility company must comply with the notice requirements of Ohio Adm.Code 4901:1-18-06(B). To be clear, the utility company shall comply with the requirements of Ohio Adm.Code 4901:1-18-06(B) even when the customer's utility service could have been disconnected prior to November 1 but the utility company, for whatever reason, is unable to physically disconnect service until November 1 or later. As an example, if the

---

<sup>7</sup> See *In the Matter of the Complaint of Jeffrey Pitzer v. Duke Energy Ohio, Inc.*, Case No. 15-298-GE-CSS, Opinion and Order (Aug. 30, 2017) at ¶¶ 58-59.



disconnection date on the 14-day notice is October 29, the customer fails to make payment or payment arrangements to prevent the disconnection, and the utility company does not pursue disconnection of service until November 2, the utility company must comply with Ohio Adm.Code 4901:1-18-06(B)(1) through (3). Accordingly, with the revisions proposed to paragraph (B) of Ohio Adm.Code 4901:1-18-06, the Commission finds that no further revisions to Ohio Adm.Code 4901:1-18-06(B)(1) are necessary. The Commission elects to retain the reference to the 14-day notice in the last sentence of the provision, to make it clear the date from which the additional ten days is to commence. As discussed above regarding Ohio Adm.Code 4901:1-18-02(D), we again reject OP&E's proposal regarding electronic notices where the customer has affirmatively agreed to receive such notices, with the caveat that the agreement to communicate electronically specifically states that all notices, including any disconnection notice will be provided electronically. However, the Commission clarifies that it is not affirmative consent to electronic notice if the customer merely pays the utility bill electronically. Accordingly, Ohio Adm.Code 4901:1-18-06(B) and sections (B)(1) and (B)(2) should be adopted as attached.

*g. Paragraph (B)(3)*

{¶ 95} In section (B)(3) of Ohio Adm.Code 4901:1-18-06, Staff proposed an amendment that, if the utility company has not disconnected service within 60 days after the disconnection date stated on the notice, the ten-day notice would expire and the utility company must again comply with the requirements of Ohio Adm.Code 4901:1-18-06(B)(1) through (3).

{¶ 96} Vectren and Dominion oppose Staff's proposal to expire the ten-day notice (as well as AEP Ohio's proposal to have the 14-day notice expire) 60 days from the date of the disconnection stated on the notice. Dominion explains that, in 2010, the uncollectible expense recovery mechanisms and collection policies and practices of Dominion, Vectren, Duke, and Columbia were audited and evaluated in Case No. 08-1229-GA-COI by NorthStar Consulting Group (NorthStar). One of the concerns raised by NorthStar was Dominion's practice of resetting the service disconnection clock each time a customer was issued a new

bill. NorthStar determined that Dominion's practice of "resetting" with the issuance of a new bill led to 15-day periods, in the summer, and 26-day periods, in the winter, when disconnections could not be performed. NorthStar recommended that Dominion modify its processes to allow collection activities to continue after a new customer bill was issued. Further, NorthStar classified the process change as one that would require minimal cost and significant effort and be a high priority. Dominion refers to the resulting process as the Living Disconnection Notice Process (DNP) or living DNP. *In the Matter of the Five-Year Review of Natural Gas Company Uncollectible Riders*, Case No. 08-1229-GA-COI (2008 UEX Audits), Finding and Order (Dec. 14, 2011) at 3, 21; Audit Report (May 3, 2010) at I-10, I-12, III-19, III-21. (Vectren/Dominion at 4-5.) Dominion instituted living DNP in March 2012. Under the living DNP process, Dominion issues a ten-day notice year-round, not just during the winter months, as currently required by Ohio Adm.Code 4901:1-18-06(B). Dominion explains that, after the ten-day notice, the disconnection notice on the bill specifically references the amount needed to avoid the immediate disconnection of service. If the new balance is not paid, the notice process does not restart but the amount necessary to avoid disconnection is updated and the new unpaid balance stated separately on the disconnect notice or bill. Dominion reasons that the living DNP process eliminates major obstacles to the utility executing service disconnection orders, allowing the coordination of an array of credit activities and providing delinquent customers with a clear explanation of the outstanding amounts due and with a reminder that disconnection is imminent. Dominion recognizes that Staff's proposed amendment, to expire the ten-day notice after 60 days, is more limited than Dominion's prior practice of restarting the notice process with each subsequent bill; however, Dominion reasons the proposal is taking the rules in the wrong direction. Dominion submits that resetting the disconnection process causes numerous harms which were criticized by NorthStar. In addition, Dominion offers that, while 60 days may appear to be ample time to execute a disconnection, the reality is far more complex. Dominion states the utility must manage large numbers of customers over a large geographic area with the payment activity constantly fluctuating and with regulatory limits on disconnection and credit avoidance. Dominion notes that the situation is further

amplified by hundreds of thousands of meters located within homes and businesses and instances where the curb meter, if utilized, may impact a good paying customer downstream. Finally, Dominion states that implementing the proposed expiration of the ten-day notice would require an expensive and time-consuming modification of a process instituted at the Commission's direction less than ten years ago. *2008 UEX Audits, Finding and Order* (Dec. 14, 2011). (Vectren/Dominion at 4-9; Vectren/Dominion Reply at 6.)

{¶ 97} Consumer Advocates endorse the proposals to have the ten-day notice and the 14-day notice expire 30 days after the disconnection date stated on the notice. Consumer Advocates contend that expiring the disconnect notices will keep the customer informed about the urgency that is needed to prevent a disconnection of service. (Consumer Advocates Reply at 14-15.)

{¶ 98} Duke requests that, rather than the ten-day notice expiring 60 days after the disconnect date, the provision be restated to 60 days or two billing cycles, to afford utility companies the flexibility to meet the proposed requirement within their current system functionality and to recognize that billing cycles and disconnection days fluctuate. Duke also asks that an exception to the proposed expiration of the ten-day notice be made for customers with meters that are deemed hard to access, as the proposed amendment extends the time necessary to disconnect service. (Duke at 3.)

{¶ 99} Dominion endorses Duke's proposal but asserts that, for Dominion, the proposal would be impractical given that approximately half of its meters are hard to access. Dominion believes the better course is not to make the proposed revision recommended by Staff. (Vectren/Dominion Reply at 9.)

{¶ 100} Further, Dominion explains that it gives its customers a ten-day notice year-round, not just during the winter months, which gives customers additional time to pay and simplifies Dominion's planning and programming. Dominion states that, after the ten-day notice is issued, the disconnect warning continues to "live" or appear on the bill with specific reference to the amount needed to avoid immediate disconnection. Under the living

DNP, if new balances go unpaid, these do not restart the notice cycle but are referred to separately as new balances that could trigger the termination of service in the future. Dominion states that, if a customer has received a ten-day notice and then incurs additional charges that are not paid, the customer will receive the following message: Your gas service could be shut off anytime for not paying \$XX.xx disconnection amount as noticed on your last bill. You owe an additional past due amount of \$XX.xx and your gas service can be shut off if this additional amount is not paid on or before [a new 14-day notice date]. (Vectren/Dominion at 5.)

{¶ 101} Dominion states that the living DNP process benefits the company and its customers, by eliminating obstacles to the execution of service disconnection orders and affording the company greater leeway to coordinate wide-ranging credit activities without the challenge of thousands of disconnection windows opening and closing every month. Non-paying customers receive a reminder and clear explanation of the outstanding amounts due with a warning that disconnection is imminent. Thus, Dominion proclaims the living DNP process reduces the cost of service by mitigating bad debt and increasing operational efficiency. Dominion states that, since the living DNP was implemented in March 2012, there has been a 23 percent decrease in the company's year-end arrearages from 2011 and a 37 percent decrease in arrearages over 90 days old. Further, Dominion avers, in the first full year of the living DNP, 2013, in comparison with 2012, year-end arrearages decreased 21 percent and arrearages over 90 days old decreased 24 percent. Dominion asserts that the living DNP process ensures that no customer who has any intention of paying their utility bill loses sight of the fact that the bill is overdue and their service is in danger of disconnection. Recognizing that the proposed amendment is not as limited as Dominion's prior practice, Dominion declares that the proposed revision to Ohio Adm.Code 4901:1-18-06(B)(3) would require the company to rework its system to again reset the disconnection process every 60 days. Dominion offers that the amendment would require the company to reprogram its billing system and rework its file-management systems to account for the continual resending of notices and the consequent resetting of disconnection

periods. If the intent of the proposed amendment is to prevent the customer from being surprised, Dominion asserts the solution is to require the utilities to continue to provide notice of the amount due and the imminence of disconnection on subsequent bills without resetting the disconnection clock. If the Commission's concern is to improve the connection of notices with termination activity, Dominion asserts that the proposed revision would not address the purported concern but cause delays in disconnection. (Vectren/Dominion at 6-9.)

{¶ 102} The Commission finds that Dominion raises legitimate issues and concerns, including the fact that the collection policies and processes of the gas utility companies were reviewed and revised less than ten years ago. Considering the Commission's decision to adopt the audit recommendations in the *2008 UEX Audits*, and the resulting benefits of adopting a living DNP process for Dominion, the Commission rejects the proposal advanced by Staff to have the disconnection notice expire. The purpose of the notices, the 14-day and the ten-day, is to inform the customer of the impending disconnection of the utility service and the amount necessary to avoid the disconnection of service. Unfortunately, if the notice continues and the service is not disconnected, customers become immune to the disconnection notice. Nonetheless, for as long as the utility companies list information on subsequent bills and notices, the notices continue to warn the customer about the status of their utility service. Accordingly, if the service is ultimately disconnected, it should not be a surprise to the customer. Therefore, the Commission will retain Ohio Adm.Code 4901:1-18-06(B)(3) as currently effective with no modifications.

*h. Paragraph (C)*

{¶ 103} Paragraph (C) of Ohio Adm.Code 4901:1-18-06 sets forth the requirements for and the process to receive a medical certificate. Medical certification prohibits the disconnection of utility service for 30 days for medically related reasons. While Staff did not propose any revisions to this section, Consumer Advocates allege that the medical certification form does not comply with the Health Insurance Portability and Accountability Act (HIPAA) privacy rules and regulations (Consumer Advocates at 16).

{¶ 104} The Commission has reviewed the medical certification form posted to its new website and verified that the form meets HIPAA requirements and regulations, including privacy rules. See the Commission's website at <https://puco.ohio.gov/wps/portal/gov/puco/utilities/electricity/resources/30-day-medical-certificate>.

*i. Paragraph (C)(3)(e)*

{¶ 105} As currently effective, Ohio Adm.Code 4901:1-18-06(C)(3)(e) directs that, if the medical certification has been obtained to avoid the disconnection of service, the customer shall enter into an extended payment plan prior to the expiration of the medical certification or be subject to disconnection, and requires that the initial payment on the extended payment plan not be due until the end of the medical certification period.

{¶ 106} Duke proposes that additional restrictions be imposed on medical certifications such that the default on any prior extended payment plan be satisfied before the customer is eligible to use another medical certification (Duke at 3).

{¶ 107} Citizens Coalition opposes the requirement that any default be paid before a subsequent medical certification can be utilized. Citizens Coalition reasons that customers use medical certifications as the result of an involuntary condition of illness or disease and their use should not be linked to the fulfilment of a payment plan. (Citizens Coalition Reply at 9.)

{¶ 108} In reply, Consumer Advocates ask that the Commission reject each of the proposed modifications to the medical certification requirements and process advocated by Duke. Consumer Advocates aver that Ohio law requires the Commission to establish rules that protect medically fragile consumers from the disconnection of utility service, as R.C. 4933.122(C) requires the protection of at-risk consumers, which includes those with medical needs. Consumer Advocates assert that Duke's proposed revisions to this provision of the rules and the following three proposals to the medical certification requirements at Ohio

Adm.Code 4901:1-18-06(C) reduces the current standards and would result in the health and safety of more consumers being placed at risk. Consumer Advocates reason that reducing the number of medical certifications available to a customer in a 12-month period and imposing unreasonable and unnecessary limitations on the use of medical certifications harms at-risk consumers and contravenes Ohio law. Further, Consumer Advocates contend that Duke offers no rationale or support for any of its anti-consumer amendments to the medical certification rules, although Duke and the other utilities are not at risk financially. Consumer Advocates argue the utility companies recover customers' bad debts through a variety of riders on the utility bill. Further, Consumer Advocates aver that, since the electric utilities are deploying smart meters across their respective service territories that allow service to be remotely reconnected from the utility's back office, medical certifications should be processed at any time where there are smart meters to avoid medically fragile customers being without electric service. According to Consumer Advocates, the remote reconnection capabilities of smart meters are one of the benefits consumers receive from these very expensive meters and, on that basis, the commenters reiterate their request that reconnections for recipients of medical certifications should be completed within one hour after the form is provided to the utility. (Consumer Advocates Reply at 10-12.)

{¶ 109} The Commission finds Duke's request for any default payment to be due before a customer can use a medical certification to contradict the purpose of a medical certification, to recognize where a permanent member of the household is experiencing a serious medical condition consistent with the requirements of Ohio Adm.Code 4901:1-18-06(C). Further, the household may also be experiencing financial hardship which impedes the ability to make timely payment of their utility bills. Accordingly, the Commission denies the proposed amendments recommended by Duke to require the customer to cure any defaulted payments due on an extended payment plan before the customer may secure a subsequent medical certification.

*j. Paragraph (C)(3)(f)*

{¶ 110} Ohio Adm.Code 4901:1-18-06(C)(3)(f) provides that, if the utility service of a customer has been disconnected for nonpayment within the prior 21 calendar days and the customer, or a member of the customer's household, receives a medical certification, the utility company shall restore service to that residence once the certifying party provides the required certification to the utility company and the customer agrees to an extended payment plan.

{¶ 111} Duke proposes that 21 calendar days be reduced to ten calendar days in Ohio Adm.Code 4901:1-18-06(C)(3)(f) (Duke at 3).

{¶ 112} Beyond Duke's request to revise this provision, Duke offers no reason or rationale why this provision should be amended to reduce the number of days that service has been disconnected. Further, the Commission notes that the provision at issue has been in effect since November of 2010 and has not caused an undue burden on consumers or the utility companies. Accordingly, we find that this provision should continue, as currently effective, without amendment.

*k. Paragraph (C)(3)(g)*

{¶ 113} Under the current rule, if the medical certification is provided to the utility company prior to 3:30 p.m., the utility company shall restore the customer's service on the same day and, if the certification is received after 3:30 p.m., the utility company shall restore service by the earliest time possible on the following business day. The provision further clarifies that, if the certification is received on a day that precedes a day on which all services necessary for the customer to arrange and the utility company to perform reconnection are not regularly performed, the utility company shall make an effort to restore service by the end of that day.

{¶ 114} Duke requests, and FirstEnergy endorses, that Ohio Adm.Code 4901:1-18-06(C)(3)(g) be clarified to recognize that medical certifications are only processed by the



utility companies on scheduled workdays and not on holidays and weekends. FirstEnergy states this is consistent with how FirstEnergy currently structures its business operations and strikes a reasonable balance for the use of utility resources. (Duke at 3; FirstEnergy Reply at 8.)

{¶ 115} Citizens Coalition questions whether Duke’s proposal will affect a medical provider’s access to the medical certification form (Citizens Coalition Reply at 9).

{¶ 116} The Commission notes that the rule does not require, and the Commission does not expect, utility companies to process medical certifications on holidays or weekends when their business offices are closed. However, if the utility’s business office is normally open and service restoration is otherwise available on the weekends, even for abbreviated hours, the Commission considers it a business day like Monday through Friday, when medical certifications should be processed and, pursuant to Ohio Adm.Code 4901:1-18-06(C)(3)(g), the customer’s service restored. We note that the medical certification form is available on the Commission’s website and can be accessed by a customer or medical provider or sent to a customer or medical professional upon request. Accordingly, this provision of the rule does not affect a customer’s or medical professional’s access to the medical certificate form.

*l. Paragraph (C)(3)(h)*

{¶ 117} Ohio Adm.Code 4901:1-18-06(C)(3)(h) provides that a consumer may renew the medical certification two additional times for 30 days each, by providing additional certifications to the utility company; however, the total certification period may not exceed 90 days per household in any 12-month period.

{¶ 118} Duke proposes limiting the use of medical certificates to two times in a 12-month period (Duke at 4).

{¶ 119} The Commission notes that, like our determination as to Duke’s other proposed amendments regarding medical certification, Duke offers no reason or rationale

why this provision should be amended to reduce the number of times a customer may secure a medical certification. The Commission notes that this provision, as currently effective, has been in place since November of 2010 and no actionable abuse has been identified to the Commission by any stakeholder to date. Accordingly, we find that this provision should continue, as currently effective, without any amendment.

**6. OHIO ADM.CODE 4901:1-18-07, RECONNECTION OF SERVICE.**

*a. Paragraph (A)*

{¶ 120} Ohio Adm.Code 4901:1-18-07(A), at subsections (1) and (2), sets forth the reconnection requirements based on whether the utility service has been disconnected for ten business days or less as opposed to more than ten business days. Staff did not propose any substantive revisions to paragraph (A) of Ohio Adm.Code 4901:1-18-07.

{¶ 121} OP&E argues that new technology permits the remote disconnection and reconnection of electric utility service and assumes significant savings associated with such capabilities. OP&E submits the savings should be reflected in the fee paid by customers to reconnect their service consistent with the principle of cost causation. Therefore, OP&E recommends that the reconnect fee be capped at \$10 during regular business hours and \$15 for reconnection in the evening or on weekends. (OP&E at 14.)

{¶ 122} Consumer Advocates support OP&E's proposal to reduce the reconnection charges. They contend that Duke and AEP Ohio have either completed or have ongoing large-scale deployment of AMI meters with remote connection capabilities. According to Consumer Advocates, Duke's tariff supports a \$10 reconnection charge.<sup>8</sup> However, Consumer Advocates assert that, while AEP Ohio has installed over one million AMI meters, AEP Ohio continues to charge customers a \$53 reconnection charge whether the customer has a meter with remote capabilities, or the utility must send an employee into the

---

<sup>8</sup> See Duke Energy Ohio Tariff at Sheet No. 92.4.

field.<sup>9</sup> Consumer Advocates note that FirstEnergy has been granted authority<sup>10</sup> and DP&L has a pending application to deploy AMI meters<sup>11</sup>. It is Consumer Advocates' contention that, to prevent customers from paying unjust and unreasonable reconnection charges, the Commission should modify Ohio Adm.Code 4901:1-18-07(B)(2) to limit the reconnection charge to no more than \$10 for customers with meters that have remote connection capabilities. (Consumer Advocates Reply at 15-16.)

{¶ 123} FirstEnergy opposes the proposed reduction to set the reconnection fee for meters with remote capabilities as proposed by OP&E. FirstEnergy advocates that this type of change should be considered on an individual company basis as part of a proceeding regarding the utility company's tariff, not this rulemaking. (FirstEnergy Reply at 9.)

{¶ 124} The Commission notes that OCC has raised this issue of meters with remote reconnection capabilities and customer reconnection charges in other AEP Ohio proceedings. The Commission recognizes that all AEP Ohio customers continue to pay the current tariffed reconnection charge of \$53 pursuant to AEP Ohio's tariff. However, Consumer Advocates overlook that, pursuant to the Commission-approved stipulation in AEP Ohio's gridSMART Phase 2 proceedings, to account for operational savings, AEP Ohio credits \$400,000 per quarter commencing with the fourth quarter of 2017 through the last quarter of 2019 to offset the gridSMART rider. *In re Ohio Power Co.*, Case No. 13-1939-EL-RDR, Opinion and Order (Feb. 1, 2017) at ¶¶ 18, 34-35. The operational savings credit to be applied against the gridSMART rider was increased to \$1.858 million, for the period July through December 2019, less any credits provided during that period, and will be \$8.230 million in 2020, and \$8.396 million in 2021. *In the Matter of the Review of the Operational Benefits Assessment of the GridSMART Deployment of Ohio Power Company*, Case No. 18-1618-

---

<sup>9</sup> See AEP Ohio Tariff 3rd Revised Sheet No. 103-21.

<sup>10</sup> *In the Matter of the Filing by Ohio Edison Company, The Cleveland Electric Illuminating Company and Toledo Edison Company of a Grid Modernization Business Plan*, Case No. 16-481-EL-UNC, Opinion and Order (July 17, 2019), Entry on Rehearing (Sept. 11, 2019).

<sup>11</sup> *In the Matter of the Application of The Dayton Power and Light Company for Approval of Its Plan to Modernize its Distribution Grid*, Case No. 18-1875-EL-GRD.

EL-RDR, Finding and Order (Nov. 21, 2019) at ¶ 22. Further, the Commission finds it more appropriate to address a utility's rates and charges outside the context of a rule review proceeding and, therefore, the Commission concludes this provision of the rules should continue as currently effective without revision or amendment. That said, prudent utility behavior requires utilities to facilitate customers' efforts to harvest the full functional capabilities of enhanced metering to reduce customers' costs in accordance with the customer-centric policies set forth in R.C. 4928.02 and 4929.02.

{¶ 125} TBA recommends that PIPP customers who have been disconnected for more than ten days not be treated as new customers and only the PIPP default amount due at the time of disconnection be required to restore service in addition to the reconnection fee. Further, TBA requests that PIPP eligible customers who are disconnected and have never been enrolled on PIPP be reconnected for the first PIPP installment. (TBA at 1.)

{¶ 126} Dominion and Vectren do not support these recommendations, as stated in their general comments to various amendments, to revise the PIPP rules to reduce the amount owed by PIPP customers to enroll or re-enroll in the program, on the basis that TBA's recommendation creates a bill that must be paid by other customers. Dominion and Vectren reason that the interests of PIPP customers and all other customers must be kept in balance. (Vectren/Dominion Reply at 1-2.)

{¶ 127} The Commission notes that TBA has not offered any reason why PIPP customers or customers eligible for PIPP should be given priority over non-PIPP customers for the reconnection of their utility service. As currently effective, Ohio Adm.Code 4901:1-18-07(A) treats PIPP customers the same as non-PIPP customers. On that basis, the Commission finds that the only amendment to Ohio Adm.Code 4901:1-18-07(A) is to delete a comma and no further amendments are appropriate.

*b. Paragraph (B)*

{¶ 128} The two subsections of Ohio Adm.Code 4901:1-18-07(B) detail the requirements for a customer whose service has been disconnected for nonpayment, to have service restored on the day payment is made during normal business hours or after normal business hours.

{¶ 129} Staff proposes that Ohio Adm.Code 4901:1-18-07(B)(1) be amended to recognize the installation of AMI meters and to extend the time for a customer to make a payment from 12:30 p.m. to 3:30 p.m. and have service reconnected the same day.

{¶ 130} Consumer Advocates, while acknowledging the proposed amendment by Staff was to give customers more time to make the payment on the day of disconnection, argue that the 3:30 p.m. deadline may be an unnecessary restriction that could result in customers being disconnected for longer than necessary. It is unclear to Consumer Advocates why the electric utilities would not have the ability to reconnect services at any time after the customer makes payment given that reconnection occurs remotely. Consumer Advocates reiterate their proposal to require the utilities to restore a customer's utility service within one hour after the customer provides proof of payment. (Consumer Advocates Reply at 17.)

{¶ 131} The Commission finds, consistent with our conclusion as to Staff's proposal and the other proposals to amend Ohio Adm.Code 4901:1-18-06(A)(1), that Ohio Adm.Code 4901:1-18-07(B)(1) should continue as currently effective without change.

**7. OHIO ADM.CODE 4901:1-18-08, LANDLORD-TENANT PROVISIONS.**

*a. Paragraphs (A) and (G)*

{¶ 132} Ohio Adm.Code 4901:1-18-08 directs the utility company to implement notification requirements where the landlord is the customer of record and the end-user is the tenant of a single or multi-unit residence. Staff did not propose any amendments to Ohio Adm.Code 4901:1-18-08.

~~{¶ 133}~~ AEP Ohio proposes changes to paragraphs (A) and (G) of the rule to purportedly streamline the notification process and make the provisions of this rule more consistent. AEP Ohio notes paragraph (H) requires the landlord to provide the utility with an accurate list of individual mailing addresses for a master-metered facility. Therefore, AEP Ohio reasons, if the utility has an accurate list of individual mailing addresses, disconnection notifications can be mailed directly to the tenants that occupy a master-metered facility. Further, AEP Ohio notes that subsection (K) allows notifications to be mailed to the premise or posted at the premise. Therefore, AEP Ohio suggests the following modification to Ohio Adm.Code 4901:1-18-08(A) to be more consistent with the other provisions of the rule:

The utility company shall give a notice of disconnection of service to the landlord/agent at least 14 days before the disconnection would occur. ~~If, a~~At the end of the 14-day notice period, if the utility has neither received payment nor a the customer has not paid or made payment arrangements for the bill to which the 14-day notice relates, the utility company shall then make a good faith effort by mail, or otherwise, to provide a separate 10-day notice of pending disconnection to both the landlord/agent and to the premise, ~~to each unit of a multi-unit dwelling (i.e., each tenant who receives master-metered service), and to single-occupancy dwellings where the utilities are included in the rent.~~ This 10-day notice shall be in addition to the 14-day notice given to the landlord/agent. This notice requirement shall be complied with throughout the year. ~~In a multi-unit dwelling, written notice shall also be placed in a conspicuous place.~~ (AEP Ohio at 4.)

~~{¶ 134}~~ Similarly, AEP Ohio recommends that paragraph (G)(4) of Ohio Adm.Code 4901:1-18-08 be revised as follows:

If the consumers choose to have their service reconnected by paying the current month's bill and payment is not made by the due date each month, the

utility company shall ~~post the notice in a conspicuous location on the premises and make a good faith effort by mail to the premise~~ or otherwise to notify each household unit of a multi-unit dwelling, or tenant receiving service in the master-metered premises, or tenant in a single-occupancy dwelling, of the impending service disconnection. The utility company is not required to reconnect service pursuant to this paragraph where the landlord resides on the premises. (AEP Ohio at 4.)

{¶ 135} Consumer Advocates contend that no changes to Ohio Adm.Code 4901:1-18-08 are needed as to the notice requirements for tenants where the utilities are included in the tenant's rent. Consumer Advocates reason that, as currently effective, this rule provides tenants with the necessary information regarding their rights under R.C. Chapter 5321, if the landlord fails to pay the utility bills, including the ability to avoid disconnection or to get service reconnected. Consumer Advocates submit that mailing the ten-day notice to the premise provides no assurance that individual tenants will be informed of their rights under Ohio law. In fact, Consumer Advocates submit that "premise(s)" would be a building, not a person, and since AEP Ohio's proposal does not indicate how the additional notices would be addressed, the proposed rule amendment would likely result in utility service being disconnected without notice to the tenants until service is disconnected. Consumer Advocates contend that the remedies available to help tenants prevent disconnection through local ordinances or state laws such as escrow provisions are rendered meaningless under AEP Ohio's proposal. (Consumer Advocates Reply at 16-17.)

{¶ 136} The Commission agrees that Ohio Adm.Code 4901:1-18-08, as currently effective, better facilitates the tenants' consumers rights without imposing overly burdensome requirements on the utilities. To the Commission's knowledge, the landlord-tenant provisions are operating as intended to balance the rights and duties of the landlord, the tenants, and the utility companies. Further, the Commission notes that AEP Ohio has not offered any reason which persuades the Commission that any amendment of the rule is necessary. Accordingly, the Commission finds that no amendment of Ohio Adm.Code

4901:1-18-08 is appropriate at this time. The Commission notes that, since these rules were issued for comment, the Commission's website has been updated and appendices to Ohio Adm.Code 4901:1-18-08 can be found at <https://puco.ohio.gov/wps/portal/gov/puco/consumers>.

**8. OHIO ADM.CODE 4901:1-18-09, COMBINATION UTILITY COMPANIES.**

{¶ 137} While Staff did not propose any changes to this rule, Consumer Advocates recommend that this provision be amended to require combination utility companies to list the account balances for gas and electric services separately on the bill or disconnection notices so that the customer can manage how payments are applied or, in instances of impending disconnection, which service to retain. Accordingly, Consumer Advocates recommend that paragraph (B) be revised to state:

A combination utility company shall provide separate account balances on customer bills and notices, and shall apply the payments from residential customers to their gas and electric accounts separately and shall apportion the payments based on the total balance for each service, including any arrearage plus the current month's charge(s). (Consumer Advocates at 17-18.)

{¶ 138} Duke states the proposed amendment would be an extremely expensive system change and be confusing for customers. Further, Duke explains that its disconnection bills contain both gas and electric services and the payment priority distributes payments to both utility services. Duke believes customers would not understand how the system works and would pay one past due amount, incorrectly expecting the disconnection for both utility services to be canceled. Duke declares that customers have the option to call the company and request to pay either their gas bill or electric bill to keep either utility service and ask for a separation of service. (Duke Reply at 5.)



{¶ 139} The Commission notes that Duke is the only combination gas and electric utility company under Commission jurisdiction. OCC also raised this argument in Duke’s recent bill format proceeding, wherein, after considering OCC’s arguments, the Commission directed that Duke work with Staff regarding the changes to separate the natural gas disconnection amount from the electric disconnection amount on the disconnect notice and directed Duke to file a revised disconnection notice in a new docket by the end of 2022. *In re Duke Energy Ohio, Inc. for Approval of Bill Format Changes*, Case No. 19-1593-GE-UNC, Finding and Order (Dec. 18, 2019) at ¶¶ 26, 27, 31, 36. Accordingly, we find it is unnecessary to revise Ohio Adm.Code 4901:1-18-09 as recommended by Consumer Advocates and conclude that the rule should be adopted without amendment.

**9. OHIO ADM.CODE 4901:1-18-10, INSUFFICIENT REASONS FOR REFUSING SERVICE OR FOR DISCONNECTING SERVICE.**

*a. Paragraph (A)*

{¶ 140} Under the currently effective provisions of Ohio Adm.Code 4901:1-18-10, the utility company is prohibited from refusing service or disconnecting service for four specific reasons: (a) failure to pay for service furnished to a former customer unless the former customer and the new applicant for service continue to be members of the same household; (b) failure to pay for nonresidential service; (c) failure to pay any amount in bona fide dispute; and (d) failure to pay any nontariffed service charges, including competitive retail electric service charges. Staff did not propose any amendments to this rule.

{¶ 141} DP&L argues that the term “household” in Ohio Adm.Code 4901:1-18-10(A) is ambiguous and has created a situation whereby the utility companies are prevented from refusing or disconnecting service when the utility otherwise could disconnect service simply because a new person is said to have moved into the premises. DP&L asserts this provision of the rule has created an administrative burden for the utilities to determine whether an individual was a member of the household during the former customer’s failure to pay for services rendered and the potential for exploitation of a loophole. To create internal consistency, remove ambiguity, and reduce administrative burdens and loopholes, DP&L

proposes that paragraph (A) be revised to prohibit the refusal of service or to disconnect service for the failure to pay for service furnished to a former customer unless the former customer continues to reside at the premises. DP&L states its recommended amendment would make this provision of the rules consistent with the language in R.C. 4933.121(B), R.C. 4933.12, and Ohio Adm.Code 4901:1-15-27(C), which applies to waterworks companies and sewage disposal system companies. DP&L asserts that, through the cited provisions of the statute and the Administrative Code, the legislature and the Commission have made it clear that the presence of the former customer residing at the premises is the pivotal issue in whether the exceptions should apply, not whether new persons have joined the household. Accordingly, DP&L recommends that the rule be amended as DP&L proposes to eliminate the administrative burden on the utilities, better align paragraph (A) of Ohio Adm.Code 4901:1-18-10 with the Revised Code and the other provisions of the Ohio Administrative Code, and provide clarity as to when a utility may refuse or disconnect service. (DP&L at 2-3.)

{¶ 142} Vectren, Dominion, Duke, and FirstEnergy endorse DP&L's proposal to revise the language in paragraph (A). According to Duke, the language without the proposed change allows members of a household to take advantage of nonpayment and simply change the name of the customer on the bill while continuing the same family residency (Duke Reply at 5-6). FirstEnergy supports DP&L's proposed amendment to Ohio Adm.Code 4901:1-18-10(A) to delete the loophole around disconnecting or refusing service when a former customer continues to reside at the residence. FirstEnergy reasons that DP&L's proposal reduces the risk of customers being able to avoid paying a previous balance while continuing to reside at the premises and makes the rule consistent with R.C. 4933.121. (Vectren/Dominion Reply at 11; Duke Reply at 5-6; FirstEnergy Reply at 9.)

{¶ 143} Citizens Coalition offers that the deciding factor should be the eligibility and financial status of the new customer, not the residential address of an old customer. In the view of the Citizens Coalition, if the former customer owes the utility company, the utility company can and has the right to pursue the former customer. If the former customer is

living in a new customer's residence, it does not matter, according to the Citizens Coalition. The new customer should only be evaluated based on the new customer's eligibility for service, not who may be living with that customer. (Citizens Coalition Reply at 10.)

{¶ 144} OP&E and Consumer Advocates also object to the changes proposed by DP&L. OP&E argues that new customers should not be discriminated against because another resident of the home could not pay the bill. OP&E declares that utilities are regulated monopolies with a duty to serve and customers have nowhere else to turn for utility service. Consumer Advocates submit that the purpose of this rule is to safeguard new applicants for utility service unless a former customer continues to reside at the same address. Consumer Advocates add that this distinction is important, as it should be presumed that the credentials of the new applicant stand on their own. Further, Consumer Advocates reason that DP&L's proposal could cause unnecessary delays and could potentially discriminate in the screening of new applicants. Consumer Advocates assert, without reference to a particular rule, that Ohio rules already provide remedies if it is later determined that a former customer with a delinquency from the same address continues to reside with the applicant. (OP&E Reply at 8; Consumer Advocates Reply at 17-18.)

{¶ 145} The Commission notes that this provision has been a part of Ohio Adm.Code Chapter 4901:1-18 since the rule review conducted in 2003. *In the Matter of the Commission's Review of its Rules at Chapters 4901:1-17 and 4901:1-18, Ohio Administrative Code, Regarding the Establishment of Credit for Residential Utility Services and the Disconnection of Natural Gas or Electric Service to Residential Customers, Respectively*, Case No. 03-888-AU-ORD, Finding and Order (Dec. 17, 2003). The utilities and Consumer Advocates raised similar concerns and arguments in the *2008 Rule Review. 2008 Rule Review*, Opinion and Order (Dec. 17, 2008) at 50-51. We continue to recognize that, as currently effective, this provision may be difficult for the utility companies to apply and may require a more in-depth investigation by the utility. However, as written, paragraph (A) of the rule permits the utility a broader application of the rule than the use of the term premise, while recognizing that the service

contract is with the customer of record. Accordingly, the Commission finds Ohio Adm.Code 4901:1-18-10 should continue as currently effective without amendment.

**10. OHIO ADM.CODE 4901:1-18-12, PERCENTAGE OF INCOME PAYMENT PLAN PROGRAM ELIGIBILITY FOR GAS UTILITY SERVICE.**

*a. Paragraph (B)*

{¶ 146} Paragraph (B) of Ohio Adm.Code 4901:1-18-12 outlines the income eligibility criteria for participation in PIPP for gas utility service. Staff did not propose any revisions to the PIPP eligibility criteria.

{¶ 147} OPAE recommends that eligibility for the gas PIPP program and for the electric PIPP program should be the same. OPAE notes that ODSA uses 30 days of income annualized to determine eligibility, with the option to look at the annual income if the 30-day income exceeds eligibility requirements. *See* Ohio Adm.Code 122:5-3-02. OPAE offers that consistent income eligibility requirements for both PIPP programs will simplify administration and avoid anomalous situations. (OPAE at 5-6.)

{¶ 148} Vectren and Dominion believe that the 90-day analysis of income provided by the existing rule better ensures that eligibility determinations are not skewed by short-term fluctuations in income and, therefore, the commenters recommend the rule be retained as currently effective (Vectren/Dominion Reply at 11).

{¶ 149} The Commission's gas PIPP provisions have based income eligibility on three months of income since the program was revamped effective November 1, 2010. The Commission agrees that, for administrative efficiency and to avoid situations where a customer qualifies for only one of the two PIPP programs but not the other, as a result of the difference in the formula used to determine income eligibility, the income eligibility requirements for the gas and electric PIPP programs should be the same. For that reason, the subsections of Ohio Adm.Code 4901:1-18-12(B) have been revised.

*b. Paragraph (D)(1)*

{¶ 150} Paragraph (D)(1) of Ohio Adm.Code 4901:1-18-12 requires that, in addition to the requirements listed in paragraphs (B) and (C), the PIPP customer also reverify their income eligibility at least once every 12 months at or about the customer's reverification date. The Staff proposal did not recommend any changes to this provision.

{¶ 151} Consumer Advocates recommend that Ohio Adm.Code 4901:1-18-12(D)(1) be revised to extend the grace period for reverification from 60 days to 90 days (Consumer Advocates at 4).

{¶ 152} Dominion and Vectren state that, while the companies do not necessarily object to the extension of the grace period for a customer to reverify PIPP eligibility, the change to 90 days may require significant programming changes and/or system upgrades for the utility company. Similarly, Duke states that, while the company has no reply comment to the proposed changes, Duke reminds the Commission that certain changes will require significant and costly system changes for the utilities and increase the burden on non-PIPP customers. For Vectren, a change to a 90-day grace period would require Vectren to make modifications to its billing system, although the cost and timing of such a system change is unknown at this time. Further, Vectren and Dominion state that they do not believe that Consumer Advocates have shown that the expected benefits of their proposed change would outweigh the potential costs and, therefore, Dominion and Vectren request that the Commission reject the proposal or grant waivers, as necessary, for the utility companies affected. (Duke Reply at 6; Dominion/Vectren Reply at 11-12.)

{¶ 153} The Commission must reject the Consumer Advocates' recommendation to revise Ohio Adm.Code 4901:1-18-12(D)(1) to extend the time period for the PIPP participant to reverify their eligibility to participate in the gas PIPP program. The time period in the rules is a grace period to allow PIPP participants to come into compliance with PIPP program requirements and serves to maintain the integrity of the PIPP program. Further, the grace periods are intended to prevent, to the extent possible, substantial increases in the

amount of the bill due for utility services. We note, as Consumer Advocates acknowledge, these provisions of the rules are intended to discourage PIPP customers from voluntarily leaving the PIPP program during non-winter months and then re-enrolling during the next winter heating months. Such seasonal participation by PIPP participants circumvents the participant's contribution to the cost of their gas utility service in months when the customer's PIPP installment is likely to cover the cost of their monthly gas utility service and contribute to the annual cost of maintaining utility service on behalf of the PIPP participant. At this time, particularly considering the amendments made to the gas PIPP program in this proceeding, we deny Consumer Advocates' request to revise Ohio Adm.Code 4901:1-18-12(D)(1).

*c. Paragraph (D)(2)*

{¶ 154} Paragraph (D)(2) of Ohio Adm.Code 4901:1-18-12 requires the PIPP customer be current on their PIPP installments by their anniversary date to remain eligible for the program and affords the customer one billing cycle to make up any missed installment payments. Further, provisions (D)(2)(a) and (D)(2)(b) of Ohio Adm.Code 4901:1-18-12 outline what constitutes a missed PIPP payment. Staff did not make any recommendation to revise these aspects of the rule.

{¶ 155} Consumer Advocates recommend that Ohio Adm.Code 4901:1-18-12(D)(2) be revised to extend the time period for the PIPP customer to make up any missed PIPP installments from one billing cycle to three months (Consumer Advocates at 4).

{¶ 156} For the same reasons the Commission denies Consumer Advocates' request as to Ohio Adm.Code 4901:1-18-12(D)(1), we also deny the request to revise Ohio Adm.Code 4901:1-18-12(D)(2). The intent of Ohio Adm.Code 4901:1-18-12(D)(2) is to discourage gas PIPP customers from voluntarily leaving the program or allowing their participation in the PIPP program to be terminated for noncompliance until the PIPP participant is independently able to pay their utility charges. Further extending the time period for making up missed installments would permit additional service charges to accrue. At this

time, particularly considering the amendments made to the gas PIPP program in this proceeding, we deny Consumer Advocates' request to revise the aforementioned provisions of Ohio Adm.Code 4901:1-18-12(D).

{¶ 157} OPAE opposes continuing the requirement that gas PIPP participants be required to make up all missed payments by the anniversary date. OPAE asserts that ODSA Staff's proposed rule amendments make changes in this aspect of its rules and requests that the Commission rules recognize that curing all missed payments is unreasonable for customers on PIPP. Further, OPAE and its member agencies work with clients to ensure they make all payments; however, given the trials of poverty which low-income customers face, there needs to be a more reasonable approach. (OPAЕ at 6.)

{¶ 158} Dominion and Vectren object to OPAE's proposal to eliminate the requirement to make up missed PIPP installments, as noted in their general comments and in response to other proposals to amend the PIPP rules. Dominion and Vectren note that OPAE's proposal creates a bill that must be paid by other customers and focuses solely on the interest of the PIPP program beneficiaries. Dominion and Vectren state that the interests of all parties must be kept in balance and, in the view of Dominion and Vectren, the current program rules represent a fair balance between program benefits and the conditions of participation. (Vectren/Dominion Reply at 1-2, 11-12.)

{¶ 159} The Commission must reject OPAE's recommendation. First, we note that, as issued for comment, ODSA's rules do not completely eliminate the requirement that electric PIPP customers make up missed PIPP installment payments. ODSA has proposed that the electric PIPP customer who is no longer active in the program as a result of non-payment or who voluntarily leaves the program is ineligible to re-enroll in the electric PIPP program until the customer pays any past due PIPP installments. In this Order, the Commission, while acknowledging the burden that making up missed installments may impose on a low-income customer, has elected to limit the requirement as opposed to delete the PIPP participant's obligation. We believe limiting the PIPP participant's obligation

better balances the interests of PIPP participants and non-PIPP customers and helps to maintain the integrity of the gas PIPP program, rather than eliminating any requirement to make up missed PIPP installment payments, as reflected in the revisions to Ohio Adm.Code 4901:1-18-12(D)(2)(b) and 4901:1-18-12(D)(3) and discussed below. Accordingly, we adopt Ohio Adm.Code 4901:1-18-12(D)(2) as proposed by Staff.

*d. Paragraph (D)(2)(b)*

{¶ 160} As currently effective, Ohio Adm.Code 4901:1-18-12(D)(2)(b) requires the PIPP participant be current on the income-based payments, including any missed payments which would have been due for the months the customer is disconnected from gas utility service, provided the amount due does not exceed the customer's arrearage and is paid prior to the restoration of utility service. Staff did not recommend any revisions to this provision of the rule.

{¶ 161} Consumer Advocates request that this provision be amended to require the PIPP participant only be responsible for the income-based installment payments for the months the customer is active on gas PIPP. Consumer Advocates propose that this provision read: Missed PIPP plus payments include: \* \* \* (b) any past due monthly PIPP installment amounts owed while the customer was active on PIPP. The Citizens Coalition endorses the proposal of Consumer Advocates. (Consumer Advocates at 4; Citizens Coalition Reply at 5.)

{¶ 162} OPAE disagrees with Consumer Advocates. OPAE contends that customers should not have to make up any missed PIPP installments (OPAE at 5).

{¶ 163} Duke contends that, by removing the requirement for the PIPP customer to pay billed charges, there is no longer a penalty for non-compliance with the PIPP rules (Duke Reply at 6).

{¶ 164} It is imperative that the Commission balance the interests of PIPP participants and non-PIPP customers. To that end, we find it untenable to eliminate the



PIPP participant's obligation to make up any missed income-based payments for the utility services received. The PIPP program facilitates the retention of the participant's utility service in addition to offering incentives for PIPP customers who make their installments in compliance with program requirements. Accordingly, we deny OP&E's proposal to eliminate the requirement to pay missed PIPP installments.

{¶ 165} Consumer Advocates propose Ohio Adm.Code 4901:1-18-12(D)(2)(b) be amended to require the customer be responsible for PIPP installments only while active on PIPP Plus. Further, the Commission notes Consumer Advocates also propose that an "active PIPP customer" be defined as a customer who is both currently enrolled in PIPP and currently using utility service from a local distribution company (Consumer Advocates at 12-13).<sup>12</sup> The Commission believes that adopting Consumer Advocates' proposal and definition would permit a PIPP participant to seasonally disconnect their gas service. One of the foundational goals of the PIPP program is to discourage seasonal disconnection. In addition, the PIPP participant would be able to avoid the income-based contribution to the customer's annual utility costs of service when the customer is not using utility service from the local distribution company. Accordingly, we find that Consumer Advocates' proposal and definition should not be adopted. We note, however, that, as attached, the PIPP program has been revised to limit the PIPP installment payments due to reenroll on the gas PIPP program to a maximum of 24 installments. The Commission's rationale is offered below as to paragraph (D)(3) and the revisions adopted to Ohio Adm.Code 4901:1-18-12(D)(2)(b) and (D)(3).

*e. Paragraph (D)(3)*

{¶ 166} Ohio Adm.Code 4901:1-18-12(D)(3) outlines the payment obligation for a PIPP participant dismissed for nonpayment or failure to comply with gas PIPP program requirements. As currently effective, Ohio Adm.Code 4901:1-18-12(D)(3) requires a PIPP customer who was dropped for nonpayment or failing to comply with the requirements of

---

<sup>12</sup> See Consumer Advocates' proposal to amend the definitions at Ohio Adm.Code 4901:1-18-01.

the PIPP program, but was otherwise eligible for the program, to re-enroll after the customer makes up all missed PIPP installments and monthly charges for any months the customer was not enrolled in the program.

{¶ 167} Staff proposes only that Ohio Adm.Code 4901:1-18-12(D)(3) be revised to clarify that payments made to re-enroll are not entitled to incentive credits pursuant to Ohio Adm.Code 4901:1-18-14.

{¶ 168} The Citizens Coalition recommends that a reasonable limitation be placed on the amount that former PIPP participants are required to pay to re-enroll in the PIPP program. Citizens Coalition proposes that, after all the calculations under the current rules are performed, the customer only be required to pay either three months of their PIPP installment payment or \$100, whichever is less. (Citizens Coalition at 5.)

{¶ 169} TBA notes that, as proposed, the gas and electric PIPP rules do not align. TBA recommends that the gas and electric PIPP rules be consistent to eliminate confusion. As TBA interprets ODSA Staff's proposal, the customer is required to pay the PIPP Plus default amounts to re-enroll if the customer voluntarily leaves the program or is dropped from the PIPP program. On the other hand, according to TBA, the gas PIPP rules require the PIPP participant to pay the default amount plus the PIPP Plus installment for each month that the customer was able to maintain service or was disconnected.<sup>13</sup> TBA states the electric PIPP rules make it easier for the customer to re-enroll. TBA requests that the gas PIPP rule be amended to limit the default amount the customer must pay to re-enroll to 24 months of PIPP installments. (TBA at 1.)

{¶ 170} Duke recommends that, for a PIPP customer to re-enroll or be reinstated in the program, the customer be responsible for no more than 12 months of PIPP installments. Duke states that, once the customer exceeds the 12-month period, the customer should be

---

<sup>13</sup> To be clear, the Commission notes that TBA's summation of the provision is incomplete. As currently effective, pursuant to Ohio Adm.Code 4901:1-18-12(D)(3), to re-enroll, the PIPP participant is required to pay the missed or defaulted PIPP installments and usage charges minus payments made on the account.

considered a new PIPP enrollment and their arrears included in the customer's account balance, irrespective of whether or not the customer was able to maintain gas utility service, had their service disconnected, or utilized the Winter Reconnect Order. Further, Duke proposes that, if adopted, this change take effect at system implementation for customers reinstating or re-enrolling in the PIPP program going forward. (Duke at 4.)

{¶ 171} Vectren and Dominion object to Duke's suggestion to limit the number of missed PIPP installments to 12 installments in order for a customer to reenroll in the PIPP program. Vectren and Dominion also object to the TBA's suggestion at capping the number of missed payments at 24 months of installments. (Vectren/Dominion Reply at 1-2, 12.)

{¶ 172} OPAE endorses the proposals offered by certain of the commenters, including those offered by DP&L<sup>14</sup> and FirstEnergy specifically as to the electric PIPP program, to reduce the financial requirements imposed on customers to remain on PIPP or to re-enroll in the PIPP program and, as TBA comments, to make the rules for the programs consistent. OPAE asserts that different rules make the programs harder to administer and bring into question the equity issue of charging gas PIPP customers more to re-enroll in the program in comparison to the electric PIPP program. OPAE avers that PIPP customers that are disconnected should be able to re-enroll after making up the PIPP payments that the customer failed to make while connected and permitted to use the Winter Reconnect Order or any other rule provisions to get service reconnected with any remaining arrearages rolled into the repayment requirements or crediting provisions of the PIPP program. OPAE endorses the recommendation of FirstEnergy that, according to OPAE, PIPP customers who voluntarily leave PIPP, be able to return by making the PIPP installments due while active on PIPP less any payments made during the time the customer was not enrolled on PIPP.<sup>15</sup>

---

<sup>14</sup> In its comments regarding the electric PIPP rules, DP&L recommends that, irrespective of why a customer leaves the PIPP program (nonpayment, untimely reverification, or voluntarily), the customer be permitted to reenroll by making the PIPP installments for the months the customer missed, including the installment for the months the customer was not on PIPP plus. (DP&L at 5.)

<sup>15</sup> In its comments regarding the electric PIPP rules, FirstEnergy generally encourages changes to increase participation in the energy assistance programs by removing financial barriers to reenrollment for PIPP customers who leave the program voluntarily or as a result of non-payment. Further, FirstEnergy

Finally, OP&E contends that customers that have continued to have gas utility service but have missed installment payments should be required to make up no more than two of the missed payments and the balance rolled into the repayment/crediting program. (OP&E Reply at 5-6.)

{¶ 173} While Dominion and Vectren do not object to Staff's proposed revision, Dominion and Vectren seek clarification of how to treat existing customers with unpaid balances if this revision to the rule is adopted. Further, Dominion notes that the calculation of the reinstatement amount is automated and implementing the rule change, as proposed by Staff, will require significant reprogramming of its customer billing systems. Vectren, however, calculates the reinstatement amount manually. (Vectren/Dominion at 10.)

{¶ 174} Duke proposes eliminating the distinction between voluntary PIPP removals and having one set of rules for all former PIPP participants to re-enroll or be reinstated in the PIPP program. Duke further proposes limiting the number of months customers are responsible to pay in order to re-enroll or be reinstated on PIPP to 12 months. Duke recommends that this change take effect at system implementation for customers reinstated or re-enrolling in PIPP going forward. (Duke at 4.)

{¶ 175} After considering the proposals to revise the requirement for PIPP participants to re-enroll or to continue participation in the PIPP program, and the comments and the reply comments, as well as the Commission's experience with informal and formal complaints regarding this issue, the Commission recognizes that the requirement for PIPP customers to pay installments for the number of months not enrolled on PIPP can be a significant barrier to reconnecting utility service. For low-income utility customers, there can be a variety of reasons and situations which may cause a customer to be dropped from or to voluntarily leave PIPP and not be able to pay accrued arrearages. Accordingly, the

---

recommends that former PIPP participants who accrue arrearages after leaving the program not be required to cure those arrearages before they are eligible to reenroll but pay any missed PIPP installments owed while the customer was active on PIPP. FirstEnergy proposes that the customer's accrued default balance be added to the customer's arrearages upon reenrollment in the PIPP program. (FirstEnergy at 3.)

Commission amends Ohio Adm.Code 4901:1-18-12(D)(2)(b), as well as Ohio Adm.Code 4901:1-18-12(D)(3), as attached, to limit the number of missed installments due to re-enroll in gas PIPP to 24 months of PIPP installment payments.

**11. OHIO ADM.CODE 4901:1-18-13, PAYMENT REQUIREMENTS FOR PERCENTAGE OF INCOME PAYMENT PLAN CUSTOMERS.**

*a. Paragraph (A)*

{¶ 176} Currently effective Ohio Adm.Code 4901:1-18-13(A)(1) requires the PIPP participant to make a monthly installment payment to the gas utility of six percent of the household income or \$10, whichever is greater.

{¶ 177} TBA and Citizens Coalition advocate that the required income-based PIPP installment amount be lowered from six percent to five percent. TBA explains that PIPP participants pay a percentage of their gross income and that percentage does not consider the rent, other utilities, food, or taxes. TBA proclaims that six percent of the household income is prohibitive to customers at the higher income ranges and does not consider the household size. As an example, TBA notes that a person earning \$48,000 annually and who is under the 150 percent federal poverty guidelines pays six percent or \$240 per month for gas utility service. (TBA at 1-2; Citizens Coalition at 4.)

{¶ 178} Vectren and Dominion oppose the proposal to reduce the PIPP installment payment percentage, as the utilities declare that any change to the percentage of the PIPP participant's income payment may require significant programming changes and/or system upgrades, including modifications to the utility's existing billing systems. Further, Vectren and Dominion state the cost and timing of any programming changes or system upgrades is unknown at this time and will likely require a temporary waiver to complete implementation. (Vectren/Dominion Reply at 13.)

{¶ 179} The Commission recognizes that, while PIPP serves customers with reportable household income of up to 150 percent of the federal poverty guidelines, most customers who are enrolled on PIPP are at or below 100 percent of the federal income

guidelines. Customers with incomes at the highest threshold of 150 percent of the federal poverty guidelines pay a significant portion of their household income to maintain their gas utility service. Currently, for a family of four at 150 percent of the federal poverty guidelines, the PIPP installment payment amount is \$190 per gas or electric utility, or \$317 for a customer with an all-electric home, a significant portion of a low-income household's monthly income. The Commission finds that the required PIPP participant installment payment percentage, as reflected in Ohio Adm.Code 4901:1-18-13, should be reduced from six percent to five percent for PIPP participants who heat with gas and use electricity as a secondary (baseload) source. The income-based installment percentage for PIPP participants in all electric homes shall be ten percent of the customer's household monthly income, as reflected in Ohio Adm.Code 122:5-3-04(A)(1). By lowering the required PIPP installment payment due from the PIPP participant from six percent to five percent, a family of four would be required to pay \$159 per utility, thus saving a low-income family on PIPP approximately \$62 per month, and align the PIPP installment payment to be more in line with the average percentage of income non-PIPP customers pay for utilities. Therefore, the Commission has revised paragraph (A)(1) of Ohio Adm.Code 4901:1-18-13 accordingly.

*b. Paragraph (C)*

{¶ 180} Ohio Adm.Code 4901:1-18-13(C)(2) designates how money, other than HEAP or emergency HEAP (E-HEAP) and monthly public or private agency funds, shall be applied to a gas utility customer's account. The rule designates that such monies shall first be applied to the customer's defaulted current monthly payment obligation, if any, then to the customer's monthly income-based payment obligation, and lastly applied to the customer's arrearages. Staff made no recommendation to revise this provision of the rules.

{¶ 181} OPAE proposes, without offering any rationale or reasoning, that the rule be altered to apply monthly funds from a public or private agency first to the customer's monthly income-based PIPP installment, then to the customer's defaulted payment obligation, and lastly to the customer's arrearages.

{¶ 182} The Commission notes that this provision of the rules has been in place since the PIPP Plus program's inception in November 2010. The reason for the order of the application of funds, as set forth in the rules, is to first avoid the disconnection of the customer's utility service. The Commission finds that the best means to maintain the customer's utility service is to prioritize the application of funds to first address the customer's default amount. Accordingly, the Commission finds Ohio Adm.Code 4901:1-18-13(C)(2) should be retained as currently effective.

**12. OHIO ADM.CODE 4901:1-18-15, GENERAL PERCENTAGE OF INCOME PAYMENT PLAN PROVISIONS.**

*a. Paragraphs (E) and (F)*

{¶ 183} Paragraphs (E) and (F) of Ohio Adm.Code 4901:1-18-15 address the payment requirements for a customer who voluntarily left the gas PIPP program to re-enroll in the program. Staff did not recommend any revisions to paragraph (E) and recommended a non-substantive correction to paragraph (F) of the rule.

{¶ 184} Consistent with its recommendation to reduce the barriers to customers to remain on PIPP, OP&E proposes that paragraphs (E) and (F) of Ohio Adm.Code 4901:1-18-15 be eliminated (OP&E at 10).

{¶ 185} Duke suggests that the gas PIPP rules be simplified and, consistent with its comments and recommendations as to Ohio Adm.Code 4901:1-18-12(D)(3), that the distinction between a PIPP customer voluntarily leaving the program and termination from the program for non-compliance, be eliminated. To that end, Duke also recommends that paragraphs (E) and (F) of Ohio Adm.Code 4901:1-18-15 be eliminated. (Duke at 4.)

{¶ 186} Consumer Advocates recommend that the provisions in paragraphs (E) and (F) of Ohio Adm.Code 4901:1-18-15 be modified to eliminate the requirement for customers to pay the PIPP installments if they voluntarily leave the program with no arrearages and, within 12 months, seek to re-enroll. (Consumer Advocates at 5-6.)

{¶ 187} The Commission finds that paragraphs (E) and (F) of Ohio Adm.Code 4901:1-18-15 are needed to clarify the payment requirements for customers with or without arrearages to re-enroll in gas PIPP. Paragraph (E) discourages customers from going on and off the program within a 12-month period when it is convenient and financially beneficial for the PIPP participant. However, the Commission is aware through its informal and formal complaint processes that this provision may impose an undue financial burden on low-income customers eligible for PIPP. Accordingly, the Commission finds, in addition to the correction proposed by Staff, that Ohio Adm.Code 4901:1-18-15(F) should be revised to impose a limit of 24 monthly PIPP installment payments due for a former PIPP customer with outstanding arrearages, to be reinstated in the PIPP program.

**13. OHIO ADM.CODE 4901:1-18-16, GRADUATE PERCENTAGE OF INCOME PAYMENT PLAN PROGRAM.**

{¶ 188} As proposed by Staff, only paragraph (C) of Ohio Adm.Code 4901:1-18-16 was revised to correct references to other rules in Ohio Adm.Code Chapter 4901:1-18.

{¶ 189} For PIPP participants who become income ineligible to participate or who voluntarily elect to terminate participation in the program, Ohio Adm.Code 4901:1-18-16 requires that the former PIPP participant be automatically enrolled in the Graduate PIPP program, provided the customer continues to reside in the same gas utility's service area. Ohio Adm.Code 4901:1-18-16 also lists additional requirements for participation in Graduate PIPP.

{¶ 190} TBA generally recommends that the Graduate PIPP program be extended from 12 months to 18 months (TBA at 2).

{¶ 191} OP AE recommends paragraph (D) of Ohio Adm.Code 4901:1-18-16 be revised to eliminate the Graduate PIPP program requirement that the customer must be current with PIPP installments to enroll on Graduate PIPP (OPAE at 10).



{¶ 192} Paragraph (D) of Ohio Adm.Code 4901:1-18-16 requires the former PIPP customer be current with their PIPP income-based installment payments or cure the PIPP default in one billing cycle to be enrolled in Graduate PIPP. By design, the Graduate PIPP program was limited to a term of 12 months. The purpose of the Graduate PIPP program is to facilitate a former PIPP customer's transition from the PIPP program and, to that end, the Commission clarifies that the former PIPP customer is not required to have accrued arrearages from PIPP to be eligible for and to participate in the Graduate PIPP program.

{¶ 193} The Commission acknowledges that former PIPP participants may need slightly more time on the Graduate PIPP program before completing the transition off all PIPP programs. To that end, the Commission hereby extends the Graduate PIPP program to 14 months and revises paragraph (E) of Ohio Adm.Code 4901:1-18-16 accordingly, to afford the Graduate PIPP participant 14 months to make at least 12 transitional installment payments.

**14. OHIO ADM.CODE 4901:1-18-17, REMOVAL FROM OR TERMINATION OF CUSTOMER PARTICIPATION IN THE PERCENTAGE OF INCOME PAYMENT PLAN PLUS.**

*a. Paragraph (B)*

{¶ 194} Ohio Adm.Code 4901:1-18-17 reiterates the requirements to participate in or to continue participation in gas PIPP and states when the gas utility can remove a customer from PIPP, the consequences for a PIPP participant failing to timely reverify eligibility, and how to re-enroll or qualify for Graduate PIPP. Where a PIPP participant fails to reverify eligibility, re-enroll, or qualify for Graduate PIPP, the customer's entire account arrearage becomes due and the gas utility is required to offer the former PIPP participant a mutually agreeable payment plan, pursuant to paragraph (A) of Ohio Adm.Code 4901:1-18-05, and the one-sixth plan, the one-ninth plan, or the winter heating season plan, pursuant to paragraph (B) of Ohio Adm.Code 4901:1-18-05.

{¶ 195} The only amendments to Ohio Adm.Code 4901:1-18-17 Staff proposed were to revise paragraph (B), to require the gas utility to offer a mutually agreeable payment plan pursuant to Ohio Adm.Code 4901:1-18-05(A), and to revise paragraph (D), to correct the references to reflect the appropriate provisions of Ohio Adm.Code 4901:1-18-07.

{¶ 196} To assist former PIPP customers to avoid the disconnection of their gas utility service due to large PIPP arrearage amounts, Consumer Advocates propose paragraph (B) be amended to restrict the payment amount to be applied toward the PIPP arrearages under the extended payment plan to no more than \$25 plus the current account charges (Consumer Advocates at 8).

{¶ 197} TBA submits that customers should be afforded a minimum of 30 days from the date of reverification to be rejected for a failure to catch up on their PIPP account. TBA reasons that many of the customers who seek assistance are on fixed incomes (TBA at 2).

{¶ 198} The Commission notes that, as the rules are currently effective, PIPP participants have one billing cycle, approximately 30 days, to cure missed PIPP installment payments per Ohio Adm.Code 4901:1-18-12(D)(2). To give each customer until 30 days after the actual reverification date to make up missed installments, essentially a customized grace period, would significantly complicate the date such missed payments are due. Accordingly, the Commission finds the proposed amendment is not feasible and, therefore, is rejected.

{¶ 199} The Commission avers the very reason that the PIPP programs were created is to help low-income customers avoid the disconnection of their utility service as a result of financial limitations and to do so in a way that is respectful of the interests of non-participating customers. The PIPP programs include components to assist PIPP participants to significantly reduce their arrearages and prevent the accrual of additional arrearages. Further, if the PIPP participant is removed from the PIPP program, except if removed as a result of fraud or tampering, the former PIPP customer is automatically enrolled in Graduate PIPP once the missed PIPP installments are cured. Under the Graduate PIPP

requirements, the customer continues to be eligible to receive an incentive to reduce the customer's arrearage, if any, and prevent the accrual of additional arrearages. The Commission notes that Consumer Advocates' suggestion to limit the amount of the customer payment to be applied to the former PIPP participant's arrearage, in addition to the current extended payment plan options, serves to cap the amount of the customer's payment that is due and payable. We note, however, that the very reason that Consumer Advocates offer the suggestion is that the participant may have accrued a substantial arrearage balance. The Commission finds that the current rules facilitate sufficient opportunities as a part of the gas PIPP and Graduate PIPP programs for a PIPP participant to reduce their arrearage balance and to maintain their utility service once the customer is no longer income eligible for the PIPP program. Creating an additional option, which, like Graduate PIPP, caps the payment for the participant, but also limits the amount of the payment applicable to arrearages, does little to reduce the arrearage and creates an administrative obligation for the gas utility and program administrators. The Commission finds that assisting low-income customers with maintaining their gas utility service is better accomplished within the framework of the PIPP programs available as opposed to creating additional options to address the same issue. For this reason, the Commission finds Consumer Advocates' proposed amendment to paragraph (B) to be inappropriate and unnecessary and, therefore, we adopt Ohio Adm.Code 4901:1-18-17 as proposed by Staff, except as to paragraph (B) which shall continue as currently effective.

*E. Other Proposed Amendments or Issues Raised*

{¶ 200} Commenting parties raised several issues or concerns that do not directly fall within the rules in these chapters. Each issue raised is discussed more fully below.

**1. NEW PIPP PLUS APPLICATION**

{¶ 201} Ohio Legal Aids propose that a new provision be added to the rules, Ohio Adm.Code 4901:1-18-12(D)(5), to require that a separate application be developed for PIPP eligible customers who are not eligible for other public assistance programs. Ohio Legal

Aids acknowledge the ease of a single application and that the current common application works for most applicants. However, Ohio Legal Aids submit that, in some cases, the single application is prohibiting access to PIPP for otherwise eligible customers. Ohio Legal Aids persist that PIPP is a payment plan program as opposed to a public assistance program, like HEAP and other energy assistance programs that receive federal funding and have additional eligibility criteria and documentation requirements. Ohio Legal Aids declare that, in some instances, HEAP is more restrictive than PIPP and requires documentation such as proof of citizenship for all household members. Ohio Legal Aids assert the overlapping requirements of federal programs and PIPP have led to the mischaracterization of the eligibility criteria and documentation necessary to be enrolled in the PIPP program as set forth in Ohio Adm.Code 4901:1-18-12. OPAE endorses Ohio Legal Aids' request for an alternative application, as OPAE avers that every household receiving regulated utility service pays for PIPP and, if the customer meets the income and eligibility requirements, the customer should be able to participate. However, OPAE acknowledges that it may be possible to continue using a single application but limit the application to the PIPP program when the information required for federal programs is not provided. (Ohio Legal Aids at 1-2; OPAE Reply at 4-5.)

{¶ 202} While the Commission agrees that the PIPP program is a payment plan program, responsive to the needs of a certain and important population of residential customers, and not a public assistance program, the Commission nonetheless finds that a new application exclusively for PIPP applicants who may not be eligible for federal or other public assistance programs is not necessary. We agree with OPAE and believe it is possible to accommodate eligible PIPP applicants without the added expense of creating and the administrative complication of utilizing two PIPP applications. The application may be processed for PIPP eligibility irrespective of the applicant's eligibility for other public assistance programs. Accordingly, the Commission denies Ohio Legal Aids' proposal to develop a separate application exclusively for PIPP.

## 2. RAISE THE MAXIMUM PERCENTAGE OF THE FEDERAL POVERTY GUIDELINES

{¶ 203} Columbia notes that, since the inception of the PIPP program in 1983, now known as PIPP Plus, participation in the program has been limited to customers with incomes at or below 150 percent of the federal poverty guidelines. *In the Matter of the Investigation into Long-Term Solutions Concerning Disconnection of Gas and Electric Service in Winter Emergencies*, Case No. 83-303-GE-COI, Opinion and Order (Nov. 23, 1983). Columbia recommends that, between this rulemaking and the next rule review of Ohio Adm.Code Chapter 4901:1-18, the Commission hold a workshop with all utilities, including electric and gas, to determine whether it is feasible and reasonable to increase the PIPP customer eligibility standard to 175 percent of the federal poverty guidelines. Columbia notes that currently customers at or below 175 percent of the federal poverty guidelines are eligible for HEAP. The Citizens Coalition endorses Columbia's proposal. (Columbia at 1-2; Citizens Coalition Reply at 9.)

{¶ 204} OPAE states that it appreciates Columbia's motivation for the suggestion to raise the income cap for participation but nonetheless opposes the change to PIPP. OPAE states that, at 175 percent of the federal poverty guidelines, the PIPP installment payment for a family of four would be \$5,407.50 annually, approximately \$2,400 more than the average combined gas and electric bill. OPAE reasons that, for a family of four to have a PIPP payment equal to the average bill, the family income would need to be about \$25,000 per year, which is roughly the federal poverty line. OPAE declares that caseworkers at its member agencies work with each family in crisis to develop a payment plan that works for the particular family and part of that process is helping families that would pay more on PIPP to stay off of the program using a combination of E-HEAP, HEAP, and fuel fund benefits. OPAE avers that, as long as the PIPP installment payment level is six percent for natural gas and six percent for electric, there is no need to increase the eligibility income scale. On the other hand, OPAE contends that, if the income-based installment payment percentage was reduced to three percent of income spent on both gas and electric, then the

higher income eligibility would be meaningful for families with incomes above federal poverty level. (OPAE Reply at 3.)

{¶ 205} The Commission is willing to explore improvements to the gas PIPP program, recognizing that we must always be mindful to balance the interests of all customers, the utility industry, the integrity of the PIPP programs, and the public interest. However, at this time, we find Columbia's proposal, particularly considering the revisions to the PIPP program adopted in this proceeding, to be ill-advised. The Commission notes that, currently, eligible customers are required to pay six percent, per utility, of their monthly household income to remain on gas PIPP. As a part of this proceeding, the Commission orders the amount be reduced to five percent. Although PIPP serves customers with incomes up to 150 percent of the federal poverty guidelines, we note, however, most customers who are enrolled on PIPP are at or below 100 percent of the federal income guidelines. Customers with incomes at the proposed highest threshold, 175 percent, would pay a significant amount of their household income to maintain utility service. Currently, for a family of four at 175 percent of the federal income guidelines, the installment amount is \$222 per utility, or \$370 for an all-electric home. Accordingly, we do not believe that Columbia's proposal would be beneficial to potential PIPP participants.

### 3. EXTEND SHROYER TEST PAYMENT PLANS AND RESPONSIBILITIES

{¶ 206} Consumer Advocates recommend that the Commission extend the consumer protections of its modified *Shroyer Test* to all residential customers of submetered utility services. Submetered service is utility service that is resold to consumers using one or more submeters. Consumer Advocates ask that the Commission find that any submeterer be subject to the disconnection provisions of the Commission's rules, if the submeterer of municipal or non-profit cooperative utility service is found to be operating as a public utility. (Consumer Advocates at 18-20.)

{¶ 207} First, the Commission notes that we have historically applied a three-part test, known as the *Shroyer Test* or the *Modified Shroyer Test*, to determine if an entity is

operating as a public utility and falls within the scope of the Commission's exclusive jurisdiction in landlord/tenant and similar circumstances. *In re Inscho v. Shroyer's Mobile Homes*, Case No. 90-182-WS-CSS, et al., Opinion and Order (Feb. 27, 1992). The *Shroyer Test* was affirmed by the Supreme Court in *Pledger*. *In re Pledger*, Case No. 04-1059-WW-CSS, Entry (Oct. 6, 2004); *Pledger v. PUC*, 109 Ohio St.3d 463, 2006-Ohio-2989, 849 N.E.2d 14, ¶18. Further, the Commission is not persuaded that a rule making for Ohio Adm.Code Chapters 4901:1-17 and 4901:1-18, regarding the establishment of credit for residential service, the termination of residential service and the gas PIPP program is the proper case for the Commission to make findings about whether the *Modified Shroyer Test* should be applied to municipal or non-profit cooperative utility service. At this time, the Commission has not been presented with new evidence or complaints related to the issue of submetering of municipal or non-profit cooperative utility services. With that being said, if the Commission finds that an entity engaged in the resale of utility services is a public utility, based on the facts and law of that case, then it is a public utility and subject to all applicable rules, including the disconnection rules at issue here. Improve PIPP Educational Opportunities

{¶ 208} Citizens Coalition urges the Commission to adopt educational activities to inform all low-income customers about PIPP, including through all communications with customers and disconnection notices. Citizens Coalition recommends that the written communication be in large print and use understandable language. (Citizens Coalition at 6.)

{¶ 209} The Commission notes that customers whose account is delinquent are informed of the availability of the PIPP program pursuant to Ohio Adm.Code 4901:1-18-05(B) and the obligations, requirements, and benefits of the PIPP programs pursuant to Ohio Adm.Code 4901:1-18-05(B) and 4901:1-18-12(E). Further, the Commission is aware that gas companies often inform PIPP participants about the consequences when the participant voluntarily requests to leave the PIPP program. We remind interested stakeholders that the Commission offers community outreach where an interested organization may request a speaker to give a presentation about energy choices and options, as well as energy assistance programs. Also, information regarding the PIPP Plus program is available on the

Commission's website and an individual can contact the Commission via its hotline, at (800) 686-PUCO (7826), to inquire about the eligibility requirements for the gas PIPP Plus and the Graduate PIPP programs. Nonetheless, the Commission will continue to explore available opportunities to educate the Ohio low-income population of the existence of the PIPP programs and encourages other stakeholders to do likewise.

#### **4. EFFECTIVE DATE AND THE IMPLEMENTATION OF RULE AMENDMENTS**

{¶ 210} Columbia requests 12 months to complete the computer programming and business process changes necessary to implement changes adopted to the PIPP Plus rules at Ohio Adm.Code 4901:1-18-12 through 4901:1-18-17. Similarly, Dominion notes that revisions to certain PIPP program provisions will require significant reprogramming of its customer billing systems. (Columbia Reply at 3; Vectren/Dominion at 10.)

{¶ 211} As with prior rule review proceedings, the Commission expects that there may be implementation issues for the utilities where revised requirements are enacted and will inform the utilities of the effective date of the rules well in advance. Further, we strongly encourage each utility to commence a compliance review, once the final rules are adopted, and to work with Staff to effectuate compliance without delay.

#### **F. Procedural Rulings**

{¶ 212} On July 22, 2019, Citizens Coalition filed a motion for a one business day extension of time to file its comments. Counsel for the Citizens Coalition states that an attempt was made to file the comments by both email and fax by the due date but acknowledged that it was possible that the filing of the comments was not properly executed.

{¶ 213} As previously noted, comments were due to be filed in the Commission's docket by July 19, 2019. It appears to the Commission that Citizens Coalition's comments had been received by the Commission by the due date; however, the comments did not



appear in the docket until July 22, 2019, the next business day. Accordingly, the Commission finds Citizens Coalition's motion for an extension of time to file its comments to be moot.

### III. CONCLUSION

{¶ 214} The Commission has considered the matters set forth in R.C. 121.82. With these factors in mind, and upon consideration of the Staff's recommendations and the comments filed, the Commission evaluated the rules in Ohio Adm.Code Chapters 4901:1-17 and 4901:1-18 and finds that certain rules should be amended consistent with this Finding and Order and as attached hereto. The Commission also notes that as the rules have been amended, pursuant to R.C. 121.95, no additional regulatory requirements or restrictions will be imposed nor have any been deleted.

{¶ 215} Accordingly, at this time, the Commission adopts amendments to Ohio Adm.Code 4901:1-17-01, -02, -03, -04, and -07, and Ohio Adm.Code 4901:1-18-01, -02, -03, -05, -06 -07, -11, -12, -13, -14, -15, -16, and -17, as outlined in this Order. Further, the Commission finds that no amendments are necessary to Ohio Adm.Code 4901:1-17-05, -06 and -08, and Ohio Adm.Code 4901:1-18-04, -08, -09, -10, and -14. The revised and no change rules should be filed with the Joint Committee on Agency Rule Review (JCARR), the Secretary of State, and the Legislative Service Commission (LSC).

{¶ 216} The rules in Ohio Adm.Code Chapters 4901:1-17 and 4901:1-18 are posted on the Commission's docketing information system website. In order to avoid needless production of paper copies for those persons who have not consented to be served electronically, the Commission will serve a paper copy of this Order only. The rules, as well as the BIAs, will be available on the Commission's website. All interested persons may access this case on the Commission's website via the docketing information system and input the case number 19-52 into the Case Lookup box to access the rules and the BIAs or contact the Commission's Docketing Division to be sent a paper copy.

**IV. ORDER**

{¶ 217} It is, therefore,

{¶ 218} ORDERED, That amended Ohio Adm.Code 4901:1-17-01, -02, -03, -04, and -07, and Ohio Adm.Code 4901:1-18-01, -02, -03, -05, -06 -07, -11, -12, -13, -14, -15, -16, and -17 be adopted. It is, further,

{¶ 219} ORDERED, That the amended and no change rules be filed with JCARR, the Secretary of State, and LSC, in accordance with divisions (D) and (E) of R.C. 111.15. It is, further,

{¶ 220} ORDERED, That the final rules be effective on the earliest date permitted. Unless otherwise ordered by the Commission, the five-year review date for Ohio Adm. Code Chapter 4901:1-17 and 4901:1-18 shall be in compliance with R.C. 106.03. It is, further,

{¶ 221} ORDERED, That a copy of this Finding and Order be served upon the Common Sense Initiative at [CSIPublicComments@governor.ohio.gov](mailto:CSIPublicComments@governor.ohio.gov). It is, further,

{¶ 222} ORDERED, That a copy of this Finding and Order be served upon the electric listserve, electric distribution companies, natural gas listserve, water listserve, all certified competitive retail electric service providers, certified competitive retail natural gas service suppliers, OCC, ODSA, the Ohio Gas Association, the Petroleum Council, the Ohio Oil and Gas Association, and all other interested persons of record.

**COMMISSIONERS:*****Approving:***

M. Beth Trombold  
Lawrence K. Friedeman  
Daniel R. Conway  
Dennis P. Deters

**\*\*\*DRAFT - NOT FOR FILING\*\*\***

**AMENDED**

**4901:1-17-01 Definitions.**

For purposes of this chapter, the following definitions shall apply:

- (A) "Applicant" means any person who requests or makes application with a utility company for any of the following residential services: electric, gas, natural gas, waterworks, or sewage disposal.
- (B) "Class of service" means a description of utility service furnished to a customer used to denote its use either as residential or nonresidential.
- (C) "Consumer" means any person who is an ultimate user of the electric, gas, natural gas, waterworks, or sewage disposal utility services.
- (D) "Customer" means any person who enters into an agreement, whether by contract or under a tariff, to purchase: electric, gas, natural gas, waterworks, or sewage disposal utility service.
- (E) "Fraudulent act" means an intentional misrepresentation or concealment by the customer or consumer of a material fact that the electric, gas, natural gas, waterworks, or sewage disposal system utility company relies on to its detriment. "Fraudulent act" does not include tampering.
- (F) "Past due" means any utility bill balance that is not paid by the bill due date.
- (G) "Percentage of income payment plan plus" (PIPP plus) means the income-based payment plan for low-income, residential customers served by a regulated gas or natural gas utility company.
- (H) "Regulated service" means a service offering regulated by the commission.
- (I) "Tampering" means to interfere with, damage, or by-pass a utility meter, conduit, or attachment with the intent to impede the correct registration of a meter or the proper functions of a conduit or attachment so as to reduce the amount of utility service that is registered on the meter. Tampering includes the unauthorized reconnection of an electric, gas, natural gas, or waterworks meter or a conduit or attachment that has been disconnected by the utility company.
- (J) "Utility company" means all persons, firms, or corporations in the business of providing electric, gas, natural gas, waterworks, or sewage disposal service to consumers as defined in division (A)(4) of section 4905.03, division (G) of section 4929.01, and divisions (A)(7) and (A)(13) of section 4905.03 of the Revised Code, respectively.

**\*\*\*DRAFT - NOT FOR FILING\*\*\***

**AMENDED**

**4901:1-17-02 General provisions.**

- (A) The rules in this chapter apply to all electric, gas, natural gas, waterworks, and sewage disposal utility companies who provide service to residential customers.
- (B) Nothing contained in this chapter shall in any way preclude the commission from any of the following:
  - (1) Altering, or amending, in whole or in part, these rules and regulations.
  - (2) Prescribing different standards for the establishment of credit for utility service as deemed necessary by the commission in any proceeding.
  - (3) Waiving any requirement, standard, or rule set forth in this chapter for good cause shown, as supported by a motion and supporting memorandum. The application for a waiver shall include the specific rule(s) requested to be waived. If the request is to waive only a part or parts of a rule, then the application should identify the appropriate paragraphs, sections, or subsections to be waived. The waiver request shall provide sufficient explanation, for each rule provision sought to be waived, to allow the commission to thoroughly evaluate the waiver request.
- (C) The rules of this chapter supersede any inconsistent provisions, terms, and conditions of utility company tariffs. A utility company may adopt or maintain tariffs providing greater protection for customers or consumers.
- (D) Each utility company shall establish and maintain written credit procedures consistent with these rules that allow an applicant for residential service to establish, or an existing residential customer to reestablish, credit with the utility company. The procedures should be equitable and administered in a nondiscriminatory manner. The utility company, without regard to race, color, religion, gender, national origin, age, handicap, or disability, shall base its credit procedures upon the credit risk of the individual as determined by the utility company without regard to the collective credit reputation of the area in which the residential applicant or customer lives. The utility company shall make its current credit procedures available to applicants and customers upon request and shall provide this information either verbally or in writing, based upon the applicant's or customer's preference.

**\*\*\*DRAFT - NOT FOR FILING\*\*\***

- (E) The rules of this chapter allow the use of electronic transactions and [all](#) notices, if the customer and the utility company are both in agreement with such use, and such use is consistent with commission requirements or guidelines.

**AMENDED**

**4901:1-17-03 Establishment of credit.**

- (A) Each utility company may require an applicant for residential service to satisfactorily establish financial responsibility. If the applicant has previously been a customer of that utility company, the utility company may require the residential applicant to establish financial responsibility pursuant to paragraph (C) of rule 4901:1-17-04 of the Administrative Code. Each utility company may use a credit check, pursuant to paragraph (A)(2) of this rule, as the first criterion by which an applicant may establish financial responsibility. If the results of the credit check, at the time of the application do not establish financial responsibility for the applicant or the applicant refuses to provide his/her social security number, each utility company shall then advise the applicant of each of the remaining criteria available under this rule to establish financial responsibility. If the utility company requires an applicant to provide additional information to establish financial responsibility, such as identification or written documentation, then the utility company shall confirm with the applicant when it receives the requested information. An applicant's financial responsibility will be deemed established if the applicant meets any one of the following criteria:
- (1) The applicant is the owner of the premises to be served or of other real estate within the territory served by the utility company and has demonstrated financial responsibility under either of the following conditions:
    - (a) With respect to that property, if the applicant owns only the premises to be served.
    - (b) With respect to any other real estate within the service territory served by the utility company, if the applicant owns multiple properties.
  - (2) The applicant demonstrates that he/she is a satisfactory credit risk by means that may be quickly and inexpensively checked by the utility company. Under this provision, the utility company may request the applicant's social security number in order to obtain credit information and to establish identity. The utility company may not refuse to provide service if the applicant elects not to provide his/her social security number. If the

**\*\*\*DRAFT - NOT FOR FILING\*\*\***

applicant declines the utility company's request for a social security number, the utility company shall inform the applicant of all other options for establishing creditworthiness.

- (3) The applicant demonstrates that he/she has had the same class and a similar type of utility service within a period of twenty-four consecutive months preceding the date of application, unless utility company records indicate that the applicant's service was disconnected for nonpayment during the last twelve consecutive months of service, or the applicant had received two consecutive bills with past due balances during that twelve-month period and provided further that the financial responsibility of the applicant is not otherwise impaired.

When an applicant requests a copy of his/her payment history to satisfy paragraph (A)(3) of this rule, each utility company shall provide a customer, at his/her request, written information reflecting the customer's payment history. The utility company shall provide this information within five business days of this request.

- (4) The applicant makes a cash deposit to secure payment of bills for the utility company's service as prescribed in rule 4901:1-17-05 of the Administrative Code. Utility companies are prohibited from requiring percentage of income payment plan customers to pay a security deposit.
- (5) The applicant furnishes a creditworthy guarantor to secure payment of bills in an amount sufficient for a sixty-day supply for the service requested. If a third party agrees to be a guarantor for a utility customer, he or she shall meet the criteria as defined in paragraph (A) of this rule or otherwise be creditworthy. The guarantor and/or the utility company shall also comply with the following:
- (a) The guarantor shall be a customer of the utility company.
  - (b) The guarantor shall sign the written guarantor agreement provided by the commission in Appendix A, which will also be posted on the commission's website ~~in the forms section~~. The utility company shall provide the guarantor with a copy of the signed agreement upon request and shall keep the original on file during the term of the guaranty.
  - (c) The utility company shall send to the guarantor a copy of all disconnection notices sent to the guaranteed customer.

**\*\*\*DRAFT - NOT FOR FILING\*\*\***

- (d) The utility company shall send a notice to the guarantor when the guaranteed customer requests a transfer of service to a new location. The transfer of service notice shall display all of the following information:
    - (i) The name of the guaranteed customer.
    - (ii) The address of the current guaranteed customer's service location.
    - (iii) A statement that the transfer of service to the new location may affect the guarantor's liability.
    - (iv) A statement that, if the guarantor does not want to continue the guaranty at the new service location, the guarantor must provide thirty days' written notice to the utility company to end the guaranty.
  - (e) Under the circumstances where a guarantor's utility service is subject to disconnection, the utility company shall, within ten calendar days, advise the customer who provided the guarantor that the guarantor's responsibility to the customer's account will end by a specific date (thirty days from the date of the notice to the guaranteed customer). The utility company shall also advise the customer that, prior to the specific end date stated in the notice, he/she must reestablish credit through one of the alternate means set forth in paragraph (A) of this rule, or be subject to disconnection according to the applicable disconnection rules in Chapter 4901:1-15 of the Administrative Code (waterworks and/or sewage disposal) and Chapter 4901:1-18 of the Administrative Code (electric, gas, and natural gas).
  - (f) The guarantor shall not be on the PIPP plus, graduate PIPP plus, or have PIPP arrearages. If a guarantor enrolls in these programs, the customer no longer qualifies to be a guarantor and the previously guaranteed customer will be required to provide another form of security.
- (B) The establishment of credit under the provisions of these rules, or the reestablishment of credit under the provisions of rule 4901:1-17-04 of the Administrative Code, shall not relieve the applicant or customer from compliance with the regulations of the utility company regarding advance payments and payment of bills by the due date, and shall not modify any regulations of the utility company as to the discontinuance of service for nonpayment.

**\*\*\*DRAFT - NOT FOR FILING\*\*\***

- (C) Upon default by a customer who has furnished a guarantor as provided in paragraph (A)(5) of this rule, the utility company may pursue collection actions against the defaulting customer and the guarantor in the appropriate court, or the utility company may transfer the defaulting customer's bill to the guarantor's account. The defaulted amount transferred to the guarantor's account shall not be greater than the amount billed to the defaulting customer for sixty days of service or two monthly bills. After thirty days from the transfer, the utility company may make the guarantor subject to disconnection procedures, if the amount transferred still remains unpaid.
- (D) An applicant who owes an unpaid bill for previous residential service, whether the bill is owed as a result of service provided to that applicant or is owed under a guarantor agreement, shall not have satisfactorily established or reestablished his/her financial responsibility as long as the bill remains unpaid.

[4901:1-17-03 APPENDIX](#)

Appendix: GUARANTO AGREEMENT FORM

<https://puco.ohio.gov/wps/portal/gov/puco/utilities/electricity/resources/guarantor-form>

**AMENDED**

**4901:1-17-04 Deposit to reestablish creditworthiness.**

- (A) A utility company may require a customer to make a deposit or an additional deposit on an account, as set forth in this rule and pursuant to rules 4901:1-17-03 and 4901:1-17-05 of the Administrative Code, to reestablish creditworthiness for tariffed service based on the customer's credit history on that account with that utility company. The utility company may require a customer whose service has been disconnected to pay a deposit, in addition to any charges under the applicable reconnection rules in Chapter 4901:1-15 of the Administrative Code (waterworks and/or sewage disposal) and Chapter 4901:1-18 of the Administrative Code (electric, gas, and natural gas).
- (B) After considering the totality of the customer's circumstances, a utility company may require a deposit if the customer has not made full payment or payment arrangements for ~~any given two~~ consecutive bills containing a ~~previous~~ past due balance for regulated services provided by that utility company.



**\*\*\*DRAFT - NOT FOR FILING\*\*\***

- (C) A utility company may require a deposit if the applicant for service was a customer of that utility company, during the preceding twelve months, and had service disconnected for nonpayment, a fraudulent act, tampering, or unauthorized reconnection.

**NO CHANGE**

**4901:1-17-05 Deposit administration provisions.**

- (A) No utility company, as defined in this chapter shall require a cash deposit to establish or reestablish credit in an amount in excess of one-twelfth of the estimated charge for regulated service(s) provided by that utility company for the ensuing twelve months, plus thirty per cent of the monthly estimated charge. Each utility company, upon request, shall furnish a copy of rules 4901:1-17-03 to 4901:1-17-06 of the Administrative Code, to the applicant/customer from whom a deposit is required. If a copy of rules 4901:1-17-03 to 4901:1-17-06 of the Administrative Code is provided to the applicant/customer, the utility company shall also provide the name, address, website address, and telephone number of the public utilities commission of Ohio.
- (B) Upon receiving a cash deposit, the utility company shall furnish to the applicant/customer a receipt that displays all of the following information:
- (1) The name of the applicant/customer.
  - (2) The address of the premises to be served.
  - (3) The billing address for the service.
  - (4) The amount of the deposit and a statement that the rate of interest to be paid on the deposit will be not less than three per cent per annum if the deposit is held for one hundred eighty days or longer.
- (C) Each utility company shall accrue interest at a rate of at least three per cent per annum per deposit held for one hundred eighty days or longer. Interest shall be paid to the customer when the deposit is refunded or deducted from the customer's final bill. A utility company shall not be required to pay interest on a deposit it holds for less than one hundred eighty days. No utility company shall be required to pay additional interest on a deposit after discontinuance of service, if the utility company has made a reasonable effort to refund the deposit. A utility company shall dispose of any unclaimed deposit, plus accrued interest, in conformity with Chapter 169. of the Revised Code.

**\*\*\*DRAFT - NOT FOR FILING\*\*\***

**NO CHANGE**

**4901:1-17-06 Refund of deposit and release of guarantor.**

- (A) After discontinuing service, the utility company shall promptly apply the customer's deposit, including any accrued interest, to the final bill. The utility company shall promptly refund to the customer any deposit, plus any accrued interest, remaining, unless the amount of the refund is less than one dollar. A transfer of service from one customer location to another within the service area of the utility company does not prompt a refund of the deposit or a release of the guarantor.
- (B) The utility company shall review each account holding a deposit or a guarantor agreement every twelve months and promptly refund the deposit, plus any accrued interest in accordance with paragraph (A) of this rule, or release the guarantor, if the account meets the following criteria:
  - (1) The customer has paid his/her bills for service for twelve consecutive months without having had service disconnected for nonpayment.
  - (2) The customer has not had more than two occasions in the preceding twelve months on which his/her bill was not paid by the due date.
  - (3) The customer is not delinquent in the payment of his/her bills at the time of the review.
- (C) The utility company shall promptly return the deposit, plus any accrued interest in accordance with paragraph (A) of this rule, upon the customer's request at any time the customer's credit has been otherwise established or reestablished, in accordance with this chapter of the Administrative Code.
- (D) Once the customer satisfies the requirements for release of the guarantor, pursuant to paragraph (B) of this rule, the utility company shall notify the guarantor in writing, within thirty days, that the guarantor is released from all further responsibility for the account.
- (E) If a guarantor submits a written request to the utility company for a release of financial responsibility related to a customer's account, the utility company shall, within ten calendar days, advise the customer who provided the guarantor that the guarantor's responsibility to the customer's account will end by a specific date (thirty days from the receipt of the guarantor's request). The utility company shall also advise the customer that prior to the specific end date of the guarantor's responsibility, he/she must reestablish creditworthiness through an alternate means as prescribed by paragraph (A) of rule 4901:1-17-03 of the Administrative Code, or be subject to disconnection according to the applicable disconnection rules in Chapter 4901:1-15 of

**\*\*\*DRAFT - NOT FOR FILING\*\*\***

the Administrative Code (waterworks and/or sewage disposal) and Chapter 4901:1-18 of the Administrative Code (gas and natural gas).

**AMENDED**

**4901:1-17-07 Record of deposit.**

Each utility company holding a cash deposit shall maintain, for at least ~~one~~ three years after the deposit is refunded or otherwise disposed of in accordance with applicable law, a record that displays all of the following information:

- (A) The name and current or last known billing address of each depositor.
- (B) The amount and date of the deposit.
- (C) Each transaction concerning the deposit.

**NO CHANGE**

**4901:1-17-08 Applicant and/or customer rights.**

- (A) Each utility company that requests a cash deposit shall notify the applicant/customer of all options available to establish credit as listed in paragraph (A) of rule 4901:1-17-03 of the Administrative Code.
- (B) If an applicant for gas or natural gas service indicates that his/her household income is such that the applicant may be eligible for the gas percentage of income payment plan (PIPP) program, the gas or natural gas utility company shall advise the applicant that he/she may apply for the gas PIPP program, in accordance with rule 4901:1-18-12 of the Administrative Code.
- (C) If a utility company requires a cash deposit to establish or reestablish service and the applicant/customer expresses dissatisfaction with the utility company's decision, the utility company shall inform the applicant/customer of the following:
  - (1) The reason(s) for its decision and how the deposit was calculated.

**\*\*\*DRAFT - NOT FOR FILING\*\*\***

- (2) How to contest the utility company's decision.
- (3) The right to have the utility company's decision reviewed by an appropriate utility company supervisor.
- (4) The right to have the commission staff verify whether the utility company's decision complies with these rules, and provide the applicant/customer the telephone number, address, and the website address of the public utilities commission of Ohio as stated below:

"If you wish to have the commission staff review the company's decision for a security deposit, you may call the Public Utilities Commission of Ohio for assistance at 1-800-686-7826 (toll free) from 8:00 a.m. to 5:00 p.m. weekdays, or at <http://www.puco.ohio.gov/puco>. Hearing or speech impaired customers may contact the PUCO via 7-1-1 (Ohio relay service)."

- (D) Upon request, each utility company shall send the information required by paragraph (C) of this rule to the applicant/customer, in writing, within five business days of the request.

**\*\*\*DRAFT - NOT FOR FILING\*\*\***

**AMENDED**

**4901:1-18-01 Definitions.**

For purposes of this chapter, the following definitions shall apply:

- (A) "Applicant" means any person who requests or makes application with a utility company for any of the following residential services: electric, gas, or natural gas.
- (B) "Arrearages" means for each percentage of income payment plan plus (PIPP plus) customer such customer's accrued charges at the time the customer enrolls in the PIPP plus program, plus accumulated charges while enrolled in PIPP plus, but does not include current or past due monthly PIPP plus payments.
- (C) "Bona fide dispute" means a complaint registered with the commission's call center or a formal complaint filed with the commission's docketing division.
- (D) "Collection charge" means a tariffed charge assessed to a residential customer by a utility company when payment or proof of payment is given to a utility company authorized agent or employee sent to disconnect the service and who is authorized to accept payment in lieu of disconnection.
- (E) "Commission" means the public utilities commission of Ohio.
- (F) "Consumer" means any person who is an ultimate user of electric, gas, or natural gas utility service.
- (G) "Customer" means any person who enters into an agreement, whether by contract or under a tariff, to purchase electric, gas, or natural gas utility service.
- (H) "Customer premise" means the service address where the customer receives the residential electric, gas, or natural gas utility service.
- (I) "Default" means the failure to make the required payment on an extended payment plan by the due date.
- (J) "Extended payment plan" means an agreement between the customer and the company that requires the customer to make payments over a set period of time to the company on unpaid amounts owed to the company.

**\*\*\*DRAFT - NOT FOR FILING\*\*\***

- (K) "Former percentage of income payment plan plus customer" (former PIPP plus customer) means a customer that (1) remains within the ~~electric~~<sub>2</sub> gas or natural gas utility company's service territory, (2) ~~who either~~ elects to terminate participation in the ~~percentage of income payment plan-PIPP~~ plus program or is no longer eligible to participate in the ~~percentage of income payment plan-PIPP~~ plus as a result of an increase in the household income or change in the household size<sub>2</sub> and (3) is not in a graduate ~~percentage of income payment plan-PIPP~~ plus.
- (L) "Fraudulent act" means an intentional misrepresentation or concealment by the customer or consumer of a material fact that the electric, gas, or natural gas utility company relies on to its detriment. "Fraudulent act" does not include tampering.
- (M) "Graduate percentage of income payment plan plus customer" (graduate PIPP plus customer) means a customer who was previously enrolled in a ~~percentage of income payment plan-PIPP~~ plus and who meets the requirements, as set forth in rule 4901:1-18-16 of the Administrative Code, to participate in the transitional phase of the income-based payment plan for low-income, residential customers served by regulated electric, gas, and natural gas utility companies.
- (N) "Household income" has the meaning attributed to it by the Ohio ~~department of~~ development ~~services agency~~, office of community services, in the administration of the home energy assistance program.
- (O) "On-time payment" means for the purpose of applying incentive credits, a PIPP plus installment received by the gas or natural gas company prior to the date that the next bill is issued.
- (P) "Percentage of income payment plan plus" (PIPP plus) means the income-based payment plan for low-income, residential customers served by regulated electric, gas, and natural gas utility companies.
- (Q) "PIPP plus anniversary date" means the calendar date by which the PIPP plus customer must be current on his or her income-based PIPP plus payments to continue participation in PIPP plus. The anniversary date shall be at or about every twelve months from when the customer enrolled in PIPP plus. This date is used to calculate ~~whne-when~~ any missed income-based PIPP plus payments are due for continued PIPP plus program participation. This date is used to review and recalculate the arrearage credit, if necessary.
- (R) "PIPP plus customer" means the customer currently enrolled in PIPP plus.
- (S) "PIPP plus reverification date" means the calendar date by which the PIPP plus customer must document his or her household income and household size to continue participation in the PIPP plus program or participate in the graduate PIPP plus program. The reverification date shall be

**\*\*\*DRAFT - NOT FOR FILING\*\*\***

every twelve months from when the customer last reverified.

- (T) "Tampering" means to interfere with, damage, or by-pass a utility meter, conduit, or attachment with the intent to impede the correct registration of a meter or the proper functions of a conduit or attachment so as to reduce the amount of utility service that is registered on the meter. Tampering includes the unauthorized reconnection of an electric, gas, or natural gas meter, or a conduit or attachment that has been disconnected by the utility company.
- (U) "Utility company" means all persons, firms, or corporations engaged in the business of providing electric, gas, or natural gas service to consumers as defined in division (A)(06) of section 4928.01, division (A)(4) of section 4905.03, and division (G) of section 4929.01 of the Revised Code, respectively.
- (V) "Winter heating season" means the time period from November first through April fifteenth.

**AMENDED**

**4901:1-18-02 General provisions.**

- (A) The rules in this chapter apply to all electric, gas, and natural gas utility companies that provide service to residential customers, including residential consumers in master-metered premises, and residential consumers whose utility services are included in rental payments.
- (B) Nothing contained in this chapter shall in any way preclude the commission from any of the following:
  - (1) Altering, or amending, in whole or in part, the rules and regulations in this chapter.
  - (2) Prescribing different standards for the disconnection and reconnection of electric, gas, or natural gas service as deemed necessary by the commission.
- (3) Waiving any requirement, standard, or rule set forth in this chapter for good cause shown, as supported by a motion and supporting the memorandum. The application for a waiver shall include the specific rule(s) requested to be waived. If the request is to waive only a part or parts of a rule, then the application should identify the appropriate paragraphs to be waived. The waiver request shall provide sufficient explanation, by rule, to allow the commission to thoroughly evaluate the waiver request.

**\*\*\*DRAFT - NOT FOR FILING\*\*\***

- (C) Except as set forth in this rule, the rules of this chapter supersede any inconsistent provisions, terms, and conditions of electric, gas, and natural gas companies' tariffs. Electric, gas, and natural gas companies may adopt or maintain tariffs providing greater protection for customers or consumers.
- (D) The rules in this chapter allow the use of electronic transactions and [all](#) notices, if the customer and the utility company are both in agreement regarding such use and such use is consistent with commission requirements or guidelines. The utility company shall advise the customer that if he/she chooses this option, the disconnection notice will only be provided electronically.

**AMENDED**

**4901:1-18-03 Reasons for disconnecting residential electric, gas, or natural gas service.**

Electric, gas, or natural gas utility companies under the jurisdiction of the commission may disconnect service to residential customers only for the following reasons:

- (A) When a customer/consumer uses electricity, gas, or natural gas in a manner detrimental to the service to other consumers.
- (B) When providing service is in conflict or incompatible with any order of the commission, court of law, laws of the state of Ohio or any political subdivision thereof, or of the federal government or any of its agencies.
- (C) When the customer has moved from the service location, and the property owner is subject to notice under paragraph (A)(3)(d) of rule 4901:1-18-06 of the Administrative Code.
- (D) When supplying electricity, gas, or natural gas creates a safety hazard to consumers or their premises, the public, or to the company's personnel or facilities or where, because of conditions beyond the consumer's premises, disconnection of the supply of electricity, gas, or natural gas is reasonably necessary. The company shall not restore service until the hazardous condition(s) has been corrected.
- (E) When a customer, consumer, property owner, landlord, or his/her agent does any of the following:
  - (1) Prevents utility company personnel from reading the meter for a year or more.



**\*\*\*DRAFT - NOT FOR FILING\*\*\***

- (2) After notice and a reasonable period of time, prevents utility company personnel from accessing, calibrating, maintaining, or replacing the utility company's meter, metering equipment, or other utility company property used to supply service.
- (3) Resorts to any fraudulent act to obtain electric, gas, or natural gas service, is the beneficiary of the fraudulent act, or tampers with the utility company's meter, metering equipment, or other property used to supply the service.
- (F) For repairs, provided that notice to customers is given prior to scheduled maintenance interruptions in excess of four hours.
- (G) Upon the request of the customer. If the customer is a landlord, then the provisions of paragraph (K) of rule 4901:1-18-08 of the Administrative Code, shall also apply.
- (H) For nonpayment of regulated services provided by the utility company, including nonpayment of security deposits.
- (I) For good cause shown.

**NO CHANGE**

**4901:1-18-04 Delinquent bills.**

- (A) Individually metered residential service accounts will be considered delinquent and subject to the utility company's disconnection procedures for nonpayment if the account meets one of the following criteria:
  - (1) The customer has not made full payment or arrangements for payment by the due date, for any given bill containing a previous balance for regulated services provided by the utility company.
  - (2) The customer is in default on an extended payment plan.
  - (3) The customer fails to make the initial payment on an extended payment plan.
- (B) The minimum payment necessary in order to avoid the disconnection procedures shall not be greater than the delinquent amount, i.e., that portion of the bill that represents a previous balance for regulated services provided by the utility company.

**\*\*\*DRAFT - NOT FOR FILING\*\*\***

**AMENDED**

**4901:1-18-05 Extended payment plans and responsibilities.**

- (A) Upon contact by a customer whose account is delinquent or who desires to avoid a delinquency, the utility company shall inform the customer that it will make reasonable extensions or other extended payment plans appropriate for both the customer and the utility company. If the customer proposes payment terms, the utility company may exercise discretion in the acceptance of the payment terms based upon the account balance, the length of time that the balance has been outstanding, the customer's recent payment history, the reasons why payment has not been made, and any other relevant factors concerning the customer including health, age, and family circumstances.
- (B) If the customer fails to propose payment terms acceptable to the utility company, the utility company shall then advise the customer of the availability of all of the following extended payment plans and the percentage of income payment plan plus (PIPP plus). If a customer requests additional information about PIPP plus, the utility company shall inform the customer of the eligibility requirements as set forth in paragraphs (B) and (C) of rule 4901:1-18-12 of the Administrative Code (gas PIPP plus) or to Chapter 122:5-3 of the Administrative Code (electric PIPP plus), and provide the customer with a copy of PIPP plus literature and direct the customer to the local community action agency energy assistance provider or other community-based nonprofit organization designated by the Ohio development services agency:
- (1) One-sixth plan - A plan that requires six equal monthly payments on the past due balances in addition to full payment of the current bill.
  - (2) One-ninth plan - A plan that requires nine equal monthly payments on the past due balances in addition to a budget payment plan for the projected monthly bills, which will end nine months from the initial payment. The budget portion of the payments may be adjusted periodically during the nine-month period as needed.
  - (3) Winter heating season plan - In addition to the one-sixth and one-ninth plans in this paragraph, during the winter heating season, the utility company shall offer to any customer not already on a payment plan, the one-third payment plan for any bills that include any usage occurring from November first to April fifteenth of each year. The one-third plan requires payment of one-third of the balance due each month (past due balances plus the current bill). For any outstanding balance remaining after the last one-third bill

**\*\*\*DRAFT - NOT FOR FILING\*\*\***

has been rendered, the utility company shall remove the customer from the one-third payment plan and shall offer the customer the option to pay the balance, or to enter into one of the other plans in this paragraph, or to enroll in PIPP plus, provided that he/she meets the qualifications for that PIPP plus plan.

- (C) A customer who is in default on an agreed-upon extended payment plan in paragraph (A) of this rule shall be offered the payment plans in paragraph (B) of this rule and PIPP plus, provided that he/she meets the qualifications for that plan. A customer who is in default on one of the extended payment plans in paragraph (B) of this rule shall be offered PIPP plus, provided that he/she meets the qualifications for the PIPP plus plan. If a customer is having difficulty complying with any payment plan and requests that the utility company review that payment plan, the utility company may agree to modify the payment plan to meet both the customer's and utility company's needs.
- (D) For customers without arrearages, the utility company shall also offer a budget plan (a uniform payment plan).
- (E) If a customer informs the utility company of a medical problem, the utility company shall inform the customer of the medical certification program as provided in paragraph (C) of rule 4901:1-18-06 of the Administrative Code.
- (F) A customer's failure to make any payment under one of the payment plans in paragraph (B) of this rule or PIPP plus shall entitle the utility company to disconnect service in accordance with the procedures set forth in rule 4901:1-18-06 of the Administrative Code.
- (G) The utility company shall advise the customer, who enters into an extended payment plan, that it will provide the customer with the terms of the plan in writing. The utility company shall also advise the customer that failure to make a payment under the extended payment plan may result in the disconnection of service in accordance with the procedures set forth in rule 4901:1-18-06 of the Administrative Code.
- (H) No utility company shall charge late payment fees to customers that are current on the payment plans identified in paragraph (A) or (B) of this rule or PIPP plus.

**AMENDED**

**4901:1-18-06 Disconnection procedures for electric, gas, and natural gas utilities.**

- (A) If a residential customer is delinquent, as defined in paragraph (A) of rule 4901:1-18-04 of the

**\*\*\*DRAFT - NOT FOR FILING\*\*\***

Administrative Code, in paying for regulated services, the utility company may, after at least fourteen days' notice, disconnect the customer's service during normal utility company business hours in compliance with all of the following conditions.

- (1) No disconnections for nonpayment shall be made after twelve-thirty p.m. on the day preceding a day on which all services necessary for the customer to arrange and the utility company to perform reconnection are not regularly performed.
- (2) On the day of disconnection of service, the utility company shall provide the customer with personal notice. If the customer is not at home, the utility company shall provide personal notice to an adult consumer. If neither the customer nor an adult consumer is at home, the utility company shall attach written notice to the premises in a conspicuous location prior to disconnecting service.
- (3) Third-party or guarantor notification.
  - (a) Each utility company shall permit a residential customer to designate a third party to receive notice of the pending disconnection of the customer's service and any other delinquent payment reminder notices sent to the customer. If the customer has a guarantor, the guarantor shall receive notice of the pending disconnection of the guaranteed customer's service and any other delinquent payment reminder notices sent to the guaranteed customer, pursuant to rule 4901:1-17-03 of the Administrative Code. The utility company shall notify the third party or the guarantor at least fourteen days prior to disconnecting the customer's service.
  - (b) The utility company shall inform the third party that his/her receipt of such notices does not constitute acceptance of any liability by the third party for payment for service provided to the customer unless the third party has also agreed, in writing, to be a guarantor for the customer.
  - (c) In compliance with division (E) of section 4933.12 and division (D) of section 4933.121 of the Revised Code, if the utility company plans to disconnect the residential utility service of a customer for the nonpayment of his/her bill, and that customer resides in an Ohio county in which the department of job and family services has provided the utility company with a written request for notification of residential service disconnection prior to the disconnection, then the utility company shall provide, during the period of the fifteenth of November to the fifteenth of April, the appropriate county department of job and family services with a listing, electronically if feasible, of those customers whose service will be

**\*\*\*DRAFT - NOT FOR FILING\*\*\***

disconnected for nonpayment. This information will include at a minimum, the customer's first name, middle initial, last name, service address, and county of residence, and shall be made available to the county department of job and family services simultaneous with the generation of any ten-day disconnection notices being distributed to customers. The county department of job and family services may use this information to assist customers in the payment of delinquent utility bills in an effort to avoid disconnection of service.

- (d) Upon the request of a property owner or the agent of a property owner, each utility company shall provide the property owner or the agent of a property owner with at least three days' advance notice when service to his/her property is to be disconnected either at the request of a residential customer who is a tenant or for nonpayment.
- (4) Utility company employees or agents of the utility company who disconnect service at the premises may or may not, at the discretion of the utility company, be authorized to make extended payment arrangements. Utility company employees or agents who disconnect service shall be authorized to complete one of the following:
  - (a) Accept payment in lieu of disconnection.
  - (b) Dispatch an employee to the premises to accept payment.
  - (c) Make available to the customer another means to avoid disconnection.
- (5) The disconnection notice may be mailed separately or included on the regular monthly bill. If the notice is included on the regular monthly bill, it shall be prominently identified as a disconnection notice. The following information shall be clearly displayed either on the disconnection notice or in documents accompanying the disconnection notice:
  - (a) The delinquent billing account number, the total amount required to prevent disconnection of the regulated services provided by the utility company, and/or any security deposit owed at the time of the notice.
  - (b) The earliest date when disconnection may occur.
  - (c) The local or toll-free number and address of the utility company's office for customers to contact about their account.
  - (d) The following statement:

**\*\*\*DRAFT - NOT FOR FILING\*\*\***

"If you have a complaint in regard to this disconnection notice that can not be resolved after you have called (name of utility company), or for general utility company information, residential and business customers may contact the public utilities commission of Ohio (PUCO) for assistance at 1-800-686-7826 (toll free) from eight a.m. to five p.m. weekdays, or at <http://www.puco.ohio.gov>. Hearing or speech impaired customers may contact the PUCO via 7-1-1 (Ohio relay service).

The Ohio consumer counsel (OCC) represents residential utility customers in matters before the PUCO. The OCC can be contacted at 1-877-742-5622 (toll free) from eight a.m. to five p.m. weekdays, or at <http://www.pickocc.org>."

- (e) A statement that the customer's failure to pay the amount on the disconnection notice at the utility company's office or to one of its authorized agents before the date specified on the disconnection notice may require payment of a security deposit and a charge for reconnection. The statement shall also include the amount of the security deposit and the reconnection charge.
- (f) If applicable, a statement that the failure to pay charges for nontariffed products or services may result in the loss of those products and/or services.
- (g) An explanation of the payment plans and options available to a customer whose account is delinquent, as provided in this rule and rule 4901:1-18-05 of the Administrative Code, and percentage of income payment plan (PIPP plus), pursuant to rule 4901:1-18-12 of the Administrative Code, and, when applicable, rule 4901:1-18-09 of the Administrative Code.
- (h) If disconnection of service is to occur as a result of nonpayment, a statement that a medical certification program and forms are available from the utility company for customers or consumers where the disconnection of service would be especially dangerous to the health of those persons.
- (i) A statement that a listing of the utility company's authorized payment agents is available by calling the utility company's toll-free customer service number.

- (B) No utility company shall disconnect the service of a customer for nonpayment where the date of disconnection occurs within ~~During~~ the period of November first through April fifteenth ~~if payment or payment arrangements are not made to prevent disconnection before the disconnection date stated on the fourteen day disconnection notice, the utility company shall not~~

**\*\*\*DRAFT - NOT FOR FILING\*\*\***

~~disconnect service to residential customers for nonpayment~~ unless the utility company completes each of the following:

- (1) Makes contact with the customer or other adult consumer at the premises ten days prior to disconnection of service by personal contact, telephone, or hand-delivered written notice. Utility companies may ~~also make contact by send this~~ also make contact by sending the notice by regular, U.S. mail; however, such notice must allow three calendar days for mailing. This additional notice shall extend the date of disconnection, as stated on the fourteen-day notice required by paragraph (A) of this rule, by ten additional days.
  - (2) Informs the customer or adult consumer that sources of federal, state, and local government aid for payment of utility bills and for home weatherization are available at the time the utility company delivers the notice required in paragraphs (A) or (B)(1) of this rule, and provides sufficient information to allow the customer to further pursue available assistance.
  - (3) Informs the customer of the right to enter into any of the payment plans set forth in paragraph (B) of rule 4901:1-18-05 of the Administrative Code, or to enroll in PIPP plus. If the customer does not respond to the notice described in paragraph (B)(1) of this rule, or refuses to accept a payment plan or fails to make the initial payment on a payment plan referenced in this paragraph, the utility company may disconnect service after the ten-day notice expires.
- (C) Medical certification
- (1) In accordance with the certification requirements of this rule, the utility company shall not disconnect residential service for nonpayment for either of the following situations:
    - (a) If the disconnection of service would be especially dangerous to the health of any consumer who is a permanent resident of the premises.
    - (b) When the disconnection of service would make operation of necessary medical or life-supporting equipment impossible or impractical.
  - (2) The medical condition or the need for medical or life-supporting equipment shall be certified to the utility company by a licensed physician, physician assistant, clinical nurse specialist, certified nurse practitioner, certified nurse-midwife, or local board of health physician.
  - (3) The utility company shall act in accordance with the following medical certification

**\*\*\*DRAFT - NOT FOR FILING\*\*\***

requirements:

- (a) Upon request of any residential consumer, the utility company shall provide a medical certification form to the customer or to any of the health care professionals identified in paragraph (C)(2) of this rule. The utility company shall use the medical certification form posted on the commission's website.
- (b) The certification of the medical condition or the need for the medical or life-supporting equipment required by paragraph (C)(1) of this rule shall be in writing and shall include the name of the person to be certified; a statement that the person is a permanent resident of the premises in question; the name, business address, and telephone number of the certifying party; a statement of the need for the medical or life-supporting equipment, if applicable; and a signed statement by the certifying party that disconnection of service will be especially dangerous to the health of a permanent resident of the premises.
- (c) Initial certification by the certifying party may be by telephone if written certification is forwarded to the utility company within seven calendar days.
- (d) Certification shall prohibit disconnection of service for thirty calendar days.
- (e) If a medical certificate is used to avoid disconnection, the customer shall enter into an extended payment plan prior to the end of the medical certification period or be subject to disconnection. The initial payment on the plan shall not be due until the end of the certification period.
- (f) If service has been disconnected for nonpayment within twenty-one calendar days prior to the certification of either a special danger to the health of a qualifying resident or the need for medical or life-supporting equipment, the utility company shall restore service to that residence once the certifying party provides the required certification to the utility company and the customer agrees to an extended payment plan.
- (g) If certification is provided to the utility company prior to three-thirty p.m., the utility company shall restore the customer's service within the same day. If the certification is received after three-thirty p.m., the utility company shall reconnect service by the earliest time possible on the following business day. Also, if the certification is received after three-thirty p.m. on a day that precedes a day on which all services necessary for the customer to arrange and the utility company



**\*\*\*DRAFT - NOT FOR FILING\*\*\***

to perform reconnection are not regularly performed, the utility company shall make an effort to restore service by the end of that day.

- (h) A consumer may renew the certification two additional times (thirty days each) by providing additional certificates to the utility company. The total certification period may not exceed ninety days per household in any twelve-month period.
- (4) The electric utility company shall give notice of availability of medical certification to its residential customers by means of bill inserts or special notices at the beginning of the winter heating period and at the beginning of the summer cooling period. The natural gas utility company shall give notice of the availability of medical certification to its residential customers by means of bill inserts or special notices at the beginning of the winter heating period.
- (5) If there is an outstanding balance for a returned check on the customer's account, the utility company may refuse the medical certification, so long as notice has been given to the customer in accordance with rules 4901:1-10-20 and 4901:1-13-09 of the Administrative Code. Such notice shall also advise the customer that there is a returned check balance on the account and that the utility company may deny the customer's use of medical certificates if that balance is not paid.
- (D) This provision is to address circumstances where an electric, gas, or natural gas utility company cannot gain access to disconnect service at a particular service location after receiving a request for disconnection from the customer of record.
  - (1) If the utility company is denied access to disconnect service, the utility company may subsequently disconnect the utility service in accordance with the provisions of paragraph (I) of rule 4901:1-18-03 of the Administrative Code.
  - (2) If the property in question is a multi-unit dwelling, then the electric, gas, or natural gas utility company shall comply with the provisions of rule 4901:1-18-08 of the Administrative Code.
  - (3) The customer of record requesting termination of service will not be financially responsible for the utility service consumed from the date of move-out, unless the customer of record is the individual who denied the utility company's access to disconnect service or the customer of record continues to reside at the premises. The utility company may require the customer to affirm in writing the date on which the customer vacated the premises.

**\*\*\*DRAFT - NOT FOR FILING\*\*\***

- (E) This provision is to address circumstances where an electric, gas, or natural gas utility company elects to leave the utility service on at a particular service location for the utility company's convenience after receiving a request for disconnection from the customer of record.
- (1) If the new resident does not contact the utility company to establish service, the utility company may subsequently disconnect the utility service in accordance with the fraud provisions in paragraph (C) of rule 4901:1-10-20 of the Administrative Code (electric) and paragraph (C) of rule 4901:1-13-09 of the Administrative Code (gas and natural gas).
  - (2) Under the circumstance where the new resident becomes an applicant for service and is required to pay a deposit to establish financial responsibility, the utility company must advise the applicant of the date that the utility service may be disconnected for nonpayment of the deposit.
  - (3) Under either circumstance above where the new resident becomes a consumer of the electric, gas, or natural gas service that was left on by the utility company, the consumer will be financially responsible for the utility service consumed from the date of move-in.
- (F) A landlord/property owner may elect to leave the utility service on at a particular service location for the landlord/property owner's convenience under the provisions of a landlord reversion agreement with the electric, gas, or natural gas utility.
- (1) The landlord/property owner shall be given a copy of the relevant terms and conditions of the landlord reversion agreement, including specific terms identifying when the service will revert to the landlord/property owner's name, and any costs of such service.
  - (2) Under the circumstance where a new resident becomes an applicant for service and is required to pay a deposit to establish financial responsibility, the utility company must advise the applicant of the date that the utility service may be disconnected for nonpayment of the deposit.
  - (3) Under the circumstance where the new resident becomes a consumer of the electric, gas, or natural gas service that was left on by virtue of the landlord/reversion agreement, the consumer will be financially responsible for the utility service consumed from the date of move-in, as indicated in the terms of the lease agreement.
- (G) Upon request of the customer, the utility company shall provide an opportunity for review of the initial decision to disconnect the service. The utility company shall review the circumstances surrounding the disconnection, escalate the review to an appropriate supervisor if requested, and inform the customer of the decision upon review as soon as possible. At the customer's request,

**\*\*\*DRAFT - NOT FOR FILING\*\*\***

the utility company shall respond in writing.

- (H) The utility company when contacted by the commission's staff shall respond to an inquiry concerning an imminent disconnection or actual disconnection within one business day. At the request of commission staff, the utility company shall respond in writing. Commission staff will notify the customer of the utility company's response.
- (I) The utility company shall include in its tariff its current standard practices and procedures for disconnection, including any applicable collection and reconnect charges. Any utility company proposing changes to its disconnection notice shall submit a copy to commission staff for review.

**AMENDED**

**4901:1-18-07 Reconnection of service.**

- (A) Upon payment or proof of payment of the delinquent amount as stated on the disconnection notice, or of an amount sufficient to cure the default on an extended payment plan or the percentage of income payment plan plus (PIPP plus), applicable reconnection charge, the utility company shall reconnect service that has been disconnected for nonpayment pursuant to the following provisions:
  - (1) For customers disconnected from service for ten business days or less, the utility company may assess a reconnection charge and shall reconnect service by the close of the following regular utility company working day. Pursuant to rule 4901:1-18-05 of the Administrative Code, the amount sufficient to cure the default for customers on extended payment plans shall include all amounts that would have been due and owing under the terms of the applicable extended payment plan, absent default, on the date that service is reconnected. Under paragraph (D)(2)(b) of rule 4901:1-18-12 of the Administrative Code, the amount sufficient to cure the default for PIPP customers includes all amounts that would have been due for any missed PIPP plus payments, but not more than the arrearage balance.
  - (2) For customers disconnected from service for more than ten business days, the utility company may treat the customers as new customers and connect service consistent with the timeframes in rules 4901:1-10-09, 4901:1-13-05 and paragraph (C) of rule 4901:1-17-04 of the Administrative Code. In addition, the utility company may assess the customer a reconnection charge in accordance with approved tariffs. Pursuant to paragraph (D)(2)(b) of rule 4901:1-18-12 of the Administrative Code, PIPP plus

**\*\*\*DRAFT - NOT FOR FILING\*\*\***

customers shall be required to pay any missed PIPP plus payments but not more than the arrearage balance. PIPP plus customers shall not be required to pay a deposit pursuant to rule 4901:1-18-15 of the Administrative Code.

- (B) If service is disconnected for nonpayment for no more than ten business days, to guarantee the reconnection of service the same day on which payment is rendered:
  - (1) The customer must provide proof of payment, as required in paragraph (A)(1) of this rule to the utility company no later than twelve-thirty p.m.
  - (2) If the customer requests that reconnection occur after normal business hours, and such service is offered by the utility company, the utility company may require the customer to pay or agree to pay the utility company's approved tariff charges for after-hours reconnection. The utility company may collect this fee prior to reconnection or with the customer's next monthly billing.
- (C) The utility company shall not assess a reconnection charge unless the utility company has actually disconnected the service. The utility company may, however, assess a collection charge if the collection charge is part of the utility company's approved tariff. A collection charge shall not be assessed more than once per billing cycle.
- (D) If the utility company accepts a guarantor in order to reestablish service, it shall follow all of the requirements of paragraph (A)(5) of rule 4901:1-17-03 of the Administrative Code.
- (E) This provision addresses cases of tampering and unauthorized reconnection of services.
  - (1) When a utility company has disconnected a meter in connection with alleged tampering, or unauthorized reconnection of a gas, or electric meter, conduit, or attachment of a utility, there shall be a rebuttable presumption that the person in possession or control of the meter, conduit, or attachment at the time the tampering or reconnection occurred is the party obligated to pay for the service rendered through the meter, conduit, or attachment.
  - (2) If the responsible party does not contest the disconnection under the circumstances stated in this paragraph or paragraph (E)(3) of rule 4901:1-18-03 of the Administrative Code the company need not restore service until the party has completed each of the following:
    - (a) Given satisfactory assurance that the fraudulent or tampering act has been discontinued.
    - (b) Paid to the utility company an amount estimated by the company to be reasonable

**\*\*\*DRAFT - NOT FOR FILING\*\*\***

- compensation for unauthorized usage obtained and not paid for at the time of disconnection.
- (c) Paid for any damage to property of the utility company including any cost to repair the damage.
  - (d) Paid all other fees and charges authorized by tariff resulting from the fraudulent act or tampering.
- (3) The provisions of paragraph (E)(2) of this rule do not apply in situations where the responsible party, as determined by paragraph (E)(1) of this rule, is either a tenant or consumer who no longer resides at the premises or a property owner who has taken possession of the property after the tampering or unauthorized reconnection occurred.
- (4) In the event the responsible party was a tenant who no longer resides at the premises where the tampering took place, the utility company may deny service to that party in accordance with the provisions of paragraph (E)(2) of this rule.

**AMENDED**

**4901:1-18-08 Landlord-tenant provisions.**

This rule is to address circumstances where the utility company knows that the customer is the landlord for a multi-unit dwelling (i.e., tenants who receive master-metered services) or for a single-occupancy dwelling where the utilities are included in the rent. A utility company may disconnect the utility service of these consumers, for nonpayment by the landlord, only in accordance with the following:

- (A) The utility company shall give a notice of disconnection of service to the landlord/agent at least fourteen days before the disconnection would occur. If, at the end of the fourteen-day notice period, the customer has not paid or made payment arrangements for the bill to which the fourteen-day notice relates, the utility company shall then make a good faith effort by mail, or otherwise, to provide a separate ten-day notice of pending disconnection to the landlord/agent, to each unit of a multi-unit dwelling (i.e., each tenant who receives master-metered service), and to single-occupancy dwellings where the utilities are included in the rent. This ten-day notice shall be in addition to the fourteen-day notice given to the landlord/agent. This notice requirement shall be complied with throughout the year. In a multi-unit dwelling, written notice shall also be

**\*\*\*DRAFT - NOT FOR FILING\*\*\***

placed in a conspicuous place.

- (B) The utility company shall also provide all of the following information in its ten-day notice:
  - (1) A summary of the remedies tenants may choose to prevent disconnection or to have service reconnected.
  - (2) A statement to inform tenants that a list of procedures and forms to prevent disconnection or to have service reconnected are available from the utility company upon request. A model form of the tenants' ten-day notice is attached as appendix A to this rule.
- (C) The utility company shall inform any consumer inquiring about the notice, posted pursuant to paragraph (A) of this rule, of the amount due for the current month's bill and that the disconnection of service may be prevented if the consumer(s) makes a single payment to the utility company in the amount of the current month's bill.
- (D) The utility company shall credit to the appropriate account any payment made by tenants equal to or exceeding the landlord's current bill for those premises. The utility company is under no obligation to accept partial payment from individual tenants. The utility company may choose to accept only a single payment from a representative acting on behalf of all the tenants.
- (E) No utility company shall disconnect service to master-metered premises, or to a single-occupancy dwelling where utilities are included in the rent, when all of the following actions take place:
  - (1) A tenant delivers to the utility company a copy of the written notice required by division (A) of section 5321.07 of the Revised Code, signed by fifty per cent or more of the tenants of the occupied dwelling units in a multi-unit dwelling, or the tenant in a single-occupancy dwelling, which notice shall designate the imminent disconnection of utility service (as shown by the disconnection notices received) as a reason for the notice.
  - (2) A tenant informs the utility company in writing of the date of the last day on which rent may be paid before a penalty is assessed or the date on which default on the lease or rental agreement can be claimed.
  - (3) The tenants timely invoke the remedies provided in divisions (B)(1) and (B)(2) of section 5321.07 of the Revised Code, including but not limited to:
    - (a) Depositing all rent that is due and thereafter becomes due to the landlord, with the clerk of the municipal or county court having jurisdiction.
    - (b) Applying to the court for an order to use the rent deposited to remedy the condition

**\*\*\*DRAFT - NOT FOR FILING\*\*\***

or conditions specified in the tenant's notice to the landlord (including but not necessarily limited to payment to the utility company rendering the disconnection notice).

- (F) Each utility company that delivers notice pursuant to paragraph (A) of this rule shall provide to each tenant, upon request, the procedures to avoid disconnection or to have service reconnected as described in appendix B to this rule. The forms referenced in appendix B to this rule shall be made available by the utility company and also will be available on the commission's website at [http:// www.puc.ohio.gov/PUCO/rules](http://www.puc.ohio.gov/PUCO/rules) or by contacting the commission's call center at 1-800-686-7826 (toll free) from eight a.m. to five p.m. weekdays. Hearing or speech impaired customers may contact the commission via 7-1-1 (Ohio relay service). The utility company shall also identify for the tenant any resources in the community where he/she can obtain assistance in pursuing his/her claim, including but not limited to:
- (1) The telephone number(s) of the local legal services program (in cities over one hundred thousand served by that utility company).
  - (2) The toll-free number(s) for the Ohio state legal services association.
  - (3) The toll-free number(s) of the office of consumers' counsel.
  - (4) The telephone number(s) of the local bar association.
  - (5) The telephone number(s) of the local tenant organization(s).
- (G) If a utility company disconnects service to consumers whose utility services are included in rental payments or who are residing in master-metered premises, the company shall comply with the following:
- (1) The utility company, upon inquiry, shall inform the consumer that service will be reconnected upon payment of the amount due for the current month's bill plus any reconnection charge if the payment is made within fourteen days of disconnection.
  - (2) The utility company shall continue service at the premises as long as the tenant's representative continues to pay for each month's service (based upon actual or estimated consumption) by the due date of the bill for that service.
  - (3) The utility company shall also reconnect service for those consumers who, within fourteen days of the disconnection of service, invoke the provisions of section 5321.07 of the Revised Code, as specified in paragraph (E) of this rule.

**\*\*\*DRAFT - NOT FOR FILING\*\*\***

- (4) If the consumers choose to have their service reconnected by paying the current month's bill and payment is not made by the due date each month, the utility company shall post the notice in a conspicuous location on the premises and make a good faith effort by mail or otherwise to notify each household unit of a multi-unit dwelling, or tenant receiving service in the master-metered premises, or tenant in a single-occupancy dwelling, of the impending service disconnection. The utility company is not required to reconnect service pursuant to this paragraph where the landlord resides on the premises.
- (H) The utility company shall provide service to a master-metered premise only if the customer is the landlord/owner of the premises. Company acceptance of new applications for service to master-metered premises requires the landlord/owner to provide to the company an accurate list specifying the individual mailing addresses of each unit served at the master-metered premises.
- (I) The utility company may charge the landlord/owner of the master-metered premises, or of a single-occupancy dwelling, a reasonable fee, as set forth in the utility company's tariffs, designed to pay the utility company's incurred cost for providing the notice to tenants required by paragraph (A) of this rule.
- (J) The utility company has the burden of collecting from the landlord/owner any billed amounts unpaid at the next billing cycle.
- (K) If a customer, who is a property owner, landlord, or the agent of a property owner, requests disconnection of service when residential tenants reside at the premises, the utility company shall perform both of the following actions:
  - (1) Provide at least a ten-day notice prior to the disconnection of service by mail to the residential tenants or by posting the notice in conspicuous places on the premises.
  - (2) Inform such customer of the customer's liability for all utility service consumed during the ten-day notice period.
- (L) Notwithstanding any notice requirement for a utility company under paragraph (K) of this rule and paragraph (A)(3)(d) of rule 4901:1-18-06 of the Administrative Code, a utility company will not be found to have violated these rules if either the following occurs:
  - (1) The utility company uses reasonable efforts to determine the status of the customer/consumer as either a property owner, landlord, the agent of a property owner, or a tenant.
  - (2) The customer/consumer misrepresents the status of the customer/consumer as the



**\*\*\*DRAFT - NOT FOR FILING\*\*\***

property owner, the landlord, the agent of a property owner, or a tenant.

- (M) If service is disconnected without notice where the utility is not made aware of a landlord-tenant situation, the utility company shall promptly restore service and provide proper notification as required by the rules in this chapter.

[4901:1-18-08 APPENDICES](#)

[Appendix A: TEN-DAY SERVICE DISCONNECTION NOTICE TO TENANTS](#)

[http://www.puc.state.oh.us/emplibrary/files/legal/rules/appends/4901\\$1-18-08-AppendixA.pdf](http://www.puc.state.oh.us/emplibrary/files/legal/rules/appends/4901$1-18-08-AppendixA.pdf)

[Appendix B: NOTICE OF YOUR RIGHTS AS A TENANT TO AVOID DISCONNECTION OF UTILITY SERVICE](#) [http://www.puc.state.oh.us/emplibrary/files/legal/rules/appends/4901\\$1-18-08-AppendixB.pdf](http://www.puc.state.oh.us/emplibrary/files/legal/rules/appends/4901$1-18-08-AppendixB.pdf)

[Appendix C: NOTICE OF LANDLORD'S BREACH OF OBLIGATION AND RELATED FORMS](#)

[http://www.puc.state.oh.us/emplibrary/files/legal/rules/appends/4901\\$1-18-08-Forms.pdf](http://www.puc.state.oh.us/emplibrary/files/legal/rules/appends/4901$1-18-08-Forms.pdf)

**NO CHANGE**

**4901:1-18-09 Combination utility companies.**

- (A) The residential customers and consumers of a combination utility company that provides both natural gas and electric service shall have the same rights pursuant to Chapter 4901:1-18 of the Administrative Code as customers and consumers who are served by separate natural gas and electric companies. In the event of disconnection or pending disconnection of both gas and electric services, a residential customer of a combination utility company has the right to choose to retain or have reconnected both utility services or one service, either gas or electric.
- (B) A combination utility company shall apply the payments from residential customers to their gas and electric accounts separately and shall apportion the payments based on the total balance for each service, including any arrearage plus the current month's charge(s). For purposes of applying these payments:
- (1) For customers billed only for services provided by the combination utility company, the utility company shall apply payments first to past due amounts, then to current regulated charges, and finally to any nontariffed charges.

**\*\*\*DRAFT - NOT FOR FILING\*\*\***

- (2) For customers billed by the combination utility company for any competitive services provided by either a competitive retail natural gas supplier and/or a competitive retail electric provider, the utility company shall apply payments as provided for under paragraph (H) of rule 4901:1-10-33 of the Administrative Code.
- (C) Whenever a residential customer receiving both gas and electric service from a combination utility company has received a disconnection of service notice, the utility company shall give the customer each of the following options:
- (1) An extended payment plan for both gas and electric as provided for in rule 4901:1-18-05 of the Administrative Code.
- (2) An extended payment plan to retain either gas or electric service as chosen by the customer. Such extended payment plan shall include an extended payment plan as provided in rule 4901:1-18-05 of the Administrative Code.
- (D) If a residential customer of a combination utility company who has entered into one extended payment plan for both gas and electric service receives a disconnection of service notice and notifies the utility company of an inability to pay the full amount due under such plan, the utility company shall offer the customer, if eligible pursuant to paragraph (B) of rule 4901:1-18-05 of the Administrative Code, another payment plan to maintain both services. The utility company shall give the customer the opportunity to retain only one service by paying the defaulted payment plan portion for either the gas or electric service, as selected by the customer.
- (E) If both the gas and electric service of a residential customer of a combination utility company have been discontinued for nonpayment, the utility company shall reconnect both services, or either service, as designated by the customer, pursuant to rule 4901:1-18-07 of the Administrative Code.
- (F) The combination utility company shall in its disconnection of service notice, as provided for in Chapter 4901:1-18 of the Administrative Code, advise combination residential customers of their rights to select the service(s) for retention or reconnection as provided for in paragraphs (C), (D), and (E) of this rule. The notice shall state with specificity the conditions under which customers may exercise their rights and shall state the telephone number and business address of a utility company representative to be contacted to inquire about those rights.
- (G) For a customer who has received a disconnection of service notice and who contacts the combination utility company, the utility company shall inform the customer of the total past due amount for each service, and with respect to the extended payment plans available under this

**\*\*\*DRAFT - NOT FOR FILING\*\*\***

rule, the monthly payment due on the past due amount for each service.

**NO CHANGE**

**4901:1-18-10 Insufficient reasons for refusing service or for disconnecting service.**

The utility company shall not refuse service to or disconnect service to any applicant/customer for any of the following reasons:

- (A) Failure to pay for service furnished to a former customer unless the former customer and the new applicant for service continue to be members of the same household.
- (B) Failure to pay for nonresidential service.
- (C) Failure to pay any amount which is in bona fide dispute. Where the customer has registered a complaint with the commission's call center or filed a formal complaint with the commission that reasonably asserts a bona fide dispute, the utility company shall not disconnect service if the customer pays either the undisputed portion of the bill, if known or can reasonably be determined, or the amount billed for the same billing period in the previous year.
- (D) Failure to pay any nontariffed service charges, including competitive retail electric service.

**AMENDED**

**4901:1-18-11 Restrictive language prohibition.**

Except as provided in Chapter 4901:5-37 and rule 4901:5-25-06 of the Administrative Code, or other commission-approved curtailment provisions, no gas, natural gas, or electric utility company shall deny service to a prospective customer or discontinue service to a present customer because the utility company would be or is providing only auxiliary, stand-by, or emergency service as an alternative energy source.

Upon application to and approval by the commission, a gas, natural gas, or electric utility company may file a separate applicable tariff containing rates which reflect the costs incurred by that company to provide such services.

**\*\*\*DRAFT - NOT FOR FILING\*\*\***

**AMENDED**

**4901:1-18-12 Percentage of income payment plan program eligibility for gas utility service.**

- (A) Rules 4901:1-18-12 to 4901:1-18-17 of the Administrative Code, apply to PIPP plus for residential service from a gas or natural gas utility company. PIPP plus rules and requirements for residential electric utility service are located in Chapter 122:5-3 of the Administrative Code.
- (B) A customer is eligible for PIPP plus if the customer meets one of the following criteria:
- (1) Annual household income is one hundred fifty per cent or less than the The household income for the past three months, if annualized, would be less than or equal to one hundred fifty per cent of the federal poverty guidelines for the corresponding household sizes.
  - (2) The annualized household income for the thirty days prior to enrollment, if annualized, past three months is more than one hundred fifty per cent or less than of the federal poverty guidelines, for the corresponding household size but the customer has a household income for the past twelve months which is less than or equal to one hundred fifty per cent of the federal poverty guidelines.
- (C) If the customer meets the income eligibility requirements, as set forth in paragraph (B) of this rule, to participate in PIPP plus, the customer must also:
- (1) Apply for all public energy assistance for which the customer is eligible.
  - (2) Apply for and accept all weatherization programs for which the customer is eligible.
  - (3) Sign and submit a release to the Ohio development service agency and the affected jurisdictional gas or natural gas utility company giving permission for that entity to receive information from any public or private agency that provides income or energy assistance to the customer, or from any member of the customer's household, and/or from any public or private employer of the customer or member of the customer's household as it relates to PIPP plus eligibility.
  - (4) Notify the local agency designated by the Ohio development service agency, within thirty days, of any change in income or household size.

**\*\*\*DRAFT - NOT FOR FILING\*\*\***

- (D) In addition to the requirements set forth in paragraphs (B) and (C) of this rule, a PIPP plus customer must also periodically reverify his/her eligibility.
- (1) All PIPP plus customers must provide proof of eligibility to the Ohio development service agency of the household income at least once every twelve months at or about the customer's PIPP plus reverification date. The customer shall be accorded a grace period of sixty days after the customer's PIPP plus reverification date to reverify eligibility.
  - (2) Except as provided in this paragraph, the PIPP plus customer must be current on his/her income-based PIPP plus payments at the customer's PIPP plus anniversary date to be eligible to remain on PIPP plus for the subsequent twelve months. The customer will have one billing cycle after the PIPP plus anniversary date to pay any missed PIPP plus payments before being removed from the program. Missed PIPP plus payments include:
    - (a) Any delayed payments as a result of the customer's prior use of a medical certificate in accordance with paragraph (C) of rule 4901:1-18-06 of the Administrative Code.
    - (b) Any missed payments, including PIPP plus payments which would have been due for the months the customer is disconnected from gas utility service up to a maximum of 24 months. The amount due also shall not exceed the amount of the customer's arrearage and shall be paid prior to the restoration of utility service.
  - (3) PIPP plus customers who have been dropped from the PIPP plus program due to nonpayment or not meeting the terms of the program (e.g., failure to re-verify or to bring account current at the anniversary date) and who were otherwise eligible for PIPP plus, may re-enroll in the program after all missed PIPP plus payments, ~~and monthly charges for any months the customer was not enrolled in the program but maintained service (less any payments made by the customer)~~ have been cured. This includes PIPP plus payments for any months in which the customer's service was disconnected up to a maximum of 24 months. The dropped PIPP plus customer is not eligible for any incentives or credits in accordance with rule 4901:1-18-14 of the Administrative Code for payments made pursuant to this provision. The amount due shall not exceed the amount of the customer's arrearage.
  - (4) All PIPP plus customers must also provide proof of eligibility to the gas or natural gas utility company upon request. No gas or natural gas utility company shall request such proof without justification.

**\*\*\*DRAFT - NOT FOR FILING\*\*\***

- (E) Upon the customer's enrollment in PIPP plus and at reverification, the gas or natural gas utility company shall provide the customer with a copy of PIPP plus literature including, at a minimum, the customer's monthly payment, service address, current arrearages, nonrecurring fees, timely payment incentives, reverification requirements including the customer's anniversary date, and customer responsibilities when the customer is no longer eligible for the program.

**AMENDED**

**4901:1-18-13 Payment requirements for percentage of income payment plan customers.**

- (A) The payment requirements for a percentage of income payment plan plus (PIPP plus) or graduate PIPP plus customer, as referenced in Chapter 4901:1-18 of the Administrative Code, shall be calculated as follows:
- (1) PIPP plus. Each PIPP plus customer shall be billed six-five per cent of his/her household income or ten dollars, whichever is greater, per billing cycle by the jurisdictional gas or natural gas utility company that provides the customer with his/her source of heat.
  - (2) Graduate PIPP plus. Each graduate PIPP plus customer shall be billed the average of the customer's most recent PIPP plus income-based payment and the customer's budget bill amount, per billing cycle by the jurisdictional gas or natural gas utility company that provides the customer with his/her source of heat.
- (B) Customers who are also enrolled in the PIPP plus program for their electric utility service should refer to Chapter 122:5-3 of the Administrative Code for the applicable payment requirement(s).
- (C) Any money provided to the jurisdictional gas or natural gas utility company by a public or private entity for the purpose of paying utility bills shall not be considered as household income when calculating PIPP plus eligibility.
- (1) Home energy assistance program (HEAP). Money provided from HEAP, or a similar program, shall not be counted as part of the monies paid by the customer to meet the monthly PIPP plus income-based payment requirement. These monies shall first be applied to the customer's arrearages and then held to be applied to future arrearages. Monies shall not be directly remitted to PIPP customers.
  - (2) Money other than HEAP or emergency HEAP (E-HEAP), or money provided on a monthly basis by a public or private agency for the purpose of paying utility bills shall

**\*\*\*DRAFT - NOT FOR FILING\*\*\***

first be applied to the customer's defaulted current monthly payment obligation, if any, then applied to the customer's current monthly income-based payment obligation, and, lastly, shall be applied to the customer's arrearages.

**AMENDED**

**4901:1-18-14 Incentive programs for percentage of income payment plan plus and graduate percentage of income payment plan plus customers.**

- (A) Percentage of income payment plan plus (PIPP plus) and graduate PIPP plus customers shall be provided the incentive of a reduction in their outstanding arrearages in return for making on-time payments.
- (1) PIPP plus customer. Each time the PIPP plus customer makes his/her required income-based on-time payment or more, as determined pursuant to rule 4901:1-18-13 of the Administrative Code, to the gas or natural gas utility company, the gas or natural gas utility company shall reduce the customer's account arrearage by the difference between the amount of the required income-based payment and the current monthly bill plus one twenty-fourth of the customer's accumulated arrearages, as calculated at the time of enrollment or in the event of late or missed payments, at the anniversary date.
  - (2) Graduate PIPP plus customer. Each time the graduate PIPP plus customer makes his/her required payment or more, as determined pursuant to rule 4901:1-18-13 of the Administrative Code, to the gas or natural gas utility company, the gas or natural gas utility company shall reduce the customer's account arrearage by the difference between the amount of the required payment and the current monthly bill plus one-twelfth of the customer's accumulated arrearages, as calculated at the time of enrollment in the graduate PIPP plus program.
- (B) If a PIPP plus or graduate PIPP plus customer's account balance becomes a credit balance, the customer will no longer be eligible for incentive credits until such time that the account balance is no longer a credit.

If the credit balance is not a result of any incentive credits, any PIPP plus payment credit balance may be refunded to the customer upon request. At the time of such refund, the gas or natural gas utility company shall remove the account from PIPP plus and inform the customer of the availability of a more suitable payment plan option (e.g., budget payment plan). If the customer

**\*\*\*DRAFT - NOT FOR FILING\*\*\***

wishes to re-enroll in PIPP plus, the company shall follow the requirements set forth in paragraph (E) of rule 4901:1-18-15 of the Administrative Code.

- (C) At the completion of the graduate PIPP plus plan, the gas or natural gas company shall review the account to determine if a credit balance appears. If the credit balance is a result of incentive credits as outlined in paragraph (A) of rule 4901:1-18-14 of the Administrative Code the gas or natural gas utility company shall apply those credits as an offset to the PIPP plus rider.

**AMENDED**

**4901:1-18-15 General percentage of income payment plan provisions.**

- (A) A PIPP plus customer who is current on his/her PIPP plus payments shall not be disconnected, refused reconnection, or denied a transfer of service to a new address, based solely on outstanding arrearages accrued while in the PIPP plus program.
- (B) No gas or natural gas utility company shall require a deposit on PIPP plus customer accounts or new or reconnected accounts where the customer has signed up for PIPP plus. The gas or natural gas utility company may assess the customer the deposit if it is determined that the customer is ineligible for PIPP plus. Any deposit paid by a customer prior to signing up for PIPP plus, to initiate, retain, or restore service, shall, upon enrollment in PIPP plus, be credited to the customer's outstanding arrearage.
- (C) No gas or natural gas utility company shall apply late fees to a PIPP plus customer's account.
- (D) The gas or natural gas utility company shall include the PIPP plus customer's anniversary date on each monthly bill.
- (E) A PIPP plus customer who voluntarily leaves PIPP plus and who was otherwise eligible for PIPP plus, and then within twelve months re-enrolls in PIPP plus must pay the PIPP plus payments due for the months the customer received service but was not on the program, less payment made by the customer during the same time period.
- (F) A PIPP plus customer who voluntarily leaves PIPP plus with no outstanding arrearages and who was otherwise eligible for PIPP plus, and then re-joins PIPP plus after twelve months, the customer would be required to pay his or her first PIPP plus payment. If the customer re-joins PIPP plus after twelve months and has ~~an~~ outstanding arrearages at the time he/she left the PIPP plus program, the customer would be required to pay the missed PIPP plus payments for the



**\*\*\*DRAFT - NOT FOR FILING\*\*\***

number of months, up to a maximum of 24 months, that he or she was not enrolled in PIPP plus, less any payments made by the customer up to the amount of the customer's arrearages at the time he/she left the PIPP plus program.

- (G) Post PIPP plus. The gas or natural gas utility company shall offer on the final bill a payment agreement for PIPP plus customers with arrearages who are closing their utility account due to:
- (1) Moving beyond the gas or natural gas company's service territory,
  - (2) Transferring to a residence where utility service is not in the former PIPP plus customer's name, or
  - (3) Moving to a master-metered residence.

The monthly payment shall be no more than the total accumulated arrearage divided by sixty. Each time the former PIPP plus customer makes his or her required payment by the due date, the company shall reduce the account arrearage by one-twelfth. This payment agreement is available to the former PIPP plus customer for twelve months from the time the account finals.

**AMENDED**

**4901:1-18-16 Graduate percentage of income payment plan program.**

- (A) Percentage of income payment plan plus (PIPP plus) customers that remain within the gas or natural gas utility company's service territory shall automatically be enrolled in the graduate PIPP plus program when one of the following occurs:
- (1) The customer elects to terminate participation in the PIPP plus program.
  - (2) The customer is no longer eligible to participate in PIPP plus as a result of an increase in the household income or a change in the household size.
- (B) PIPP plus customers removed from the program due to fraudulent enrollment in the PIPP plus program are not eligible to participate in graduate PIPP plus.
- (C) Any graduate PIPP plus customer who tampers with the gas or natural gas utility company's meter, metering equipment, or other property, or is the beneficiary of such act, shall comply with the requirements of paragraphs (E)(~~32~~)(a) to (E)(~~32~~)(d) of rule 4901:1-18-07 of the

**\*\*\*DRAFT - NOT FOR FILING\*\*\***

Administrative Code.

- (D) To be enrolled in graduate PIPP plus, a former PIPP plus customer must be current with his/her income-based payments on the gas or natural gas utility company account or cure any missed PIPP plus payments within ~~one~~two billing cycles of the customer's enrollment in graduate PIPP plus.
- (E) Upon enrollment in graduate PIPP plus, the gas or natural gas utility company shall provide the graduate PIPP plus customer with a copy of the graduate PIPP plus participation requirements including, at a minimum, the customer's monthly payment plan over the next ~~twelve~~fourteen months, service address, mailing address, the account arrearage at graduate PIPP plus initiation, applicable fees, if any, arrearage credit, and the customer's responsibilities.
- (F) Upon enrollment in Ggraduate PIPP plus, the customers shall be provided the incentive of a reduction in their outstanding arrearages for up to fourteen billing cycles in return for continuing to make timely payments of the amount due, as set forth in rule 4901:1-18-14 of the Administrative Code.
- (G) The graduate PIPP plus customer shall be billed the average of his/her income-based PIPP plus payment and the customer's budget bill amount, calculated using the utility company's normal methodology,  $(\text{PIPP plus payment} + \text{twelve month budget bill amount}) \div 2$  ~~for the twelve billing cycles following upon~~ enrollment in the program. The transition payment shall be based on the income and household size immediately prior to the PIPP plus customer becoming ineligible for PIPP plus or electing to terminate participation in PIPP. ~~After twelve billing cycles, the graduate PIPP plus customer is no longer eligible for arrearage credits.~~ Any remaining arrearage on the customer's account may become due and the customer may be placed on one of the extended payment plans in rule 4901:1-18-05 of the Administrative Code. If the arrearage remains on the customer's account and the customer fails to make extended payment arrangements, the gas or natural gas utility company may initiate disconnection procedures for failure to pay the remaining arrearage. If after fourteen billing cycles, the arrearage remains on the customer's account and the customer fails to make extended payment arrangements, the gas or natural gas utility company may initiate disconnection procedures for failure to pay the remaining arrearage.
- (H) An active or former graduate PIPP plus customer may re-enroll in PIPP plus at any time, provided that he or she meets the income qualifications. The active or former graduate PIPP plus customer must be current with his or her graduate PIPP plus payments or cure any missed graduate PIPP plus default prior to re-enrollment in PIPP plus.
- (I) No gas or natural gas utility company shall require a deposit on graduate PIPP plus customer

**\*\*\*DRAFT - NOT FOR FILING\*\*\***

accounts while the customer is enrolled in graduate PIPP plus. The gas or natural gas utility company may assess the customer a deposit, pursuant to rule 4901:1-17-04 of the Administrative Code, if the customer elects to terminate participation in graduate PIPP plus or the customer's participation in PIPP plus is terminated.

- (J) No gas or natural gas utility company shall apply late fees to a graduate PIPP plus customer's account.

**AMENDED**

**4901:1-18-17 Removal from or termination of customer participation in the percentage of income payment plan plus.**

- (A) The gas or natural gas utility company shall remove a percentage of income payment plan plus (PIPP plus) customer from PIPP plus when the customer fails to comply with the requirements set forth in paragraph (B), (C), or (D) of rule 4901:1-18-12 of the Administrative Code.
- (B) If a customer is removed from PIPP plus for failure to timely reverify eligibility and fails to reverify and re-enroll in PIPP plus or to qualify for graduate PIPP plus pursuant to paragraph (D) of rule 4901:1-18-16 of the Administrative Code, the entire account arrearage will become due. The gas or natural gas utility company shall offer the customer an extended payment plan pursuant to paragraph (B) of rule 4901:1-18-05 of the Administrative Code. If the customer fails to make payment under the agreed payment plan, the former PIPP plus customer's service may be subject to disconnection in accordance with rules 4901:1-18-03 to 4901:1-18-06 of the Administrative Code.
- (C) Fraudulent act. The gas or natural gas utility company shall terminate a customer's participation in PIPP plus or graduate PIPP plus when it is determined by the gas or natural gas utility company that the PIPP plus or graduate PIPP plus customer was fraudulently enrolled in the program or when the customer is found to be non-compliant by the Ohio development services agency. The customer shall be required to pay the gas or natural gas utility company the difference between any PIPP plus and/or graduate PIPP plus income-based payments made and the actual bill amount and to pay any arrearage credits accrued for timely payments during the period the customer was fraudulently enrolled in PIPP plus and/or graduate PIPP plus. The gas or natural gas utility company shall credit such amounts received to the company's PIPP rider. The customer shall not be eligible to participate in PIPP plus, graduate PIPP plus, or to receive any other benefits available to PIPP plus customers or graduate PIPP plus customers for twenty-four months from

**\*\*\*DRAFT - NOT FOR FILING\*\*\***

when the customer is removed from PIPP plus or graduate PIPP plus and until any demand for restitution is satisfied. For this twenty-four month period, the gas or natural gas utility company shall treat such customer as subject to rules 4901:1-18-01 to 4901:1-18-11 of the Administrative code, should the customer return to the gas or natural gas utility company.

- (D) Any PIPP plus customer who tampers with the gas or natural gas utility company's meter, metering equipment, or other property, or is the beneficiary of such act, shall comply with the requirements of paragraphs (E)(32)(a) to (E)(32)(d) of rule 4901:1-18-07 of the Administrative Code. Furthermore, to clarify the application of paragraph (E)(32)(b) of rule 4901:1-18-07 of the Administrative Code, the amount of the arrearages generated by the unauthorized usage shall be removed from the customer's arrearages and shall be paid by the customer before service is restored. Any usage charges previously credited to the customer as a result of the arrearage crediting program shall be reversed and are also due before service shall be restored.

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**11/4/2020 3:00:59 PM**

**in**

**Case No(s). 19-0052-AU-ORD**

Summary: Finding & Order adopting proposed amendments to the rules in Ohio Adm.Code Chapters 4901:1-17 and 4901:1-18, regarding the establishment of credit for residential service, the termination of residential service, and the gas Percentage of Income Payment Plan Plus, as determined in this Finding and Order electronically filed by Heather A Chilcote on behalf of Public Utilities Commission of Ohio