

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

SECOND ENTRY ON REHEARING

Entered in the Journal on April 21, 2021

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II. SUMMARY

{¶ 1} The Commission grants, in part, and denies, in part, the applications for rehearing filed on December 4, 2020, consistent with this Second Entry on Rehearing, and amends the attached rules accordingly.

III. 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review of their rules, every five years, to determine whether the rules should be continued without change, amended, or rescinded.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- (a) Should be continued without amendment, be amended, or be rescinded, taking into consideration the purpose, scope, and intent of the statute under which the rules were adopted;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 (JCARR) 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 addition, 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 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. In accordance with R.C. 121.95, and prior to January 1, 2020, the Commission identified rules having one or more regulatory restrictions that require or prohibit an action, prepared a base inventory of these restrictions in the existing rules, and submitted this base inventory to the Joint Committee on Agency Rule Review, as well as posted this inventory on the Commission's website at <https://puco.ohio.gov/wps/portal/gov/puco/documents-and-rules/resources/restrictions>. With regard to the amendments discussed in this Second Entry on Rehearing, the Commission has both considered and satisfied the requirements in R.C. 121.95(F).

{¶ 6} R.C. 4903.10 provides that any party who has entered an appearance in a Commission proceeding may apply for a rehearing with respect to any matters determined

by the Commission by filing an application within 30 days of the entry of the order upon the Commission's journal.

B. Procedural History

{¶ 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 the establishment of credit for residential service and the termination of residential service, respectively. Included among the rules in Ohio Adm.Code Chapter 4901:1-18 are the provisions for the gas Percentage of Income Payment Plan (PIPP) plus program. The January 14, 2019 Entry also scheduled a workshop for interested stakeholders. The workshop was held, as scheduled, on February 5, 2019.

{¶ 8} 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. Subsequently, comments and reply comments were filed by interested stakeholders.

{¶ 9} On November 4, 2020, the Commission issued its Finding and Order adopting amendments to certain rules in Ohio Adm.Code Chapters 4901:1-17 and 4901:1-18.

{¶ 10} On December 4, 2020, applications for rehearing were filed by: Columbia Gas of Ohio, Inc. (Columbia); Duke Energy Ohio, Inc. (Duke); Ohio Partners for Affordable Energy (OPAE); and jointly by Advocates for Basic Legal Equality, Inc., The Legal Aid Society of Cleveland, The Legal Aid Society of Columbus, Legal Aid Society of Southwest Ohio, LLC, Ohio Consumers' Counsel (OCC), Ohio Poverty Law Center, Pro Seniors, Inc., and Southeastern Ohio Legal Services (collectively, Consumer Advocates).

{¶ 11} On December 14, 2020, memoranda contra the various applications for rehearing were filed by Duke, The East Ohio Gas Company dba Dominion Energy Ohio

(Dominion), and jointly by The Cleveland Electric Illuminating Company, Ohio Edison Company, and The Toledo Edison Company (collectively, FirstEnergy).

{¶ 12} By Entry on Rehearing issued on December 30, 2020, the Commission granted the applications for rehearing filed by Columbia, Duke, OP&A, and Consumer Advocates for further consideration of the matters specified in the applications for rehearing.

{¶ 13} The Commission notes that comments regarding the Ohio Development Services Agency's (ODSA) proposed rule changes for the electric PIPP program were filed in the Commission's case docket on December 30, 2020. We will not be addressing ODSA's proposed revisions to Ohio Adm.Code Chapter 122:5-3 in this Second Entry on Rehearing.

{¶ 14} The Commission has reviewed and considered all of the arguments raised in the applications for rehearing. Any argument raised on rehearing that is not specifically discussed herein has been thoroughly and adequately considered by the Commission and should be denied.

C. Ohio Adm.Code Chapter 4901:1-18

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

{¶ 15} Ohio Adm.Code 4901:1-18-02(D) and 4901:1-17-02(E) permit the use of electronic transactions and notices, including the disconnection notice, if the customer and utility company affirmatively agree and enter into an agreement.

{¶ 16} In the Finding and Order, the Commission made one minor amendment to Ohio Adm.Code 4901:1-18-02(D), as well as Ohio Adm.Code 4901:1-17-02(E), to clarify that all notifications, including the disconnection notice, will be provided electronically if a customer elects to receive electronic notification. Further, the Commission explained, without further changes to the rules and consistent with its previous conclusion on this issue, 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. *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), Finding and Order (Dec. 17, 2008) at 28.* The Commission further clarified that customers who merely pay their utility bills electronically do not affirmatively consent to receive all notifications electronically. Finding and Order at ¶ 47.

{¶ 17} In their fourth assignment of error, Consumer Advocates submit that the Finding and Order recognized but unreasonably failed to modify Ohio Adm.Code 4901:1-18-02(D) to explicitly state that it is not affirmative consent to electronic notice if a customer pays the utility bill electronically; that the consent agreement to communicate electronically must specifically indicate that all notices, including the disconnection notice, will be sent electronically; and that the customer may withdraw their consent to electronic communications at any time. Further, Consumer Advocates interpret the Finding and Order to have properly rejected a proposal offered by Ohio Power Company that, if a customer agrees to receive any transaction or notices electronically, then all transactions and notices must be provided electronically. According to Consumer Advocates, customers should have the option to decide which notices they receive electronically and which they receive by other means and the utility should be required to advise the customer about any risk assumed by receiving notices electronically as opposed to by mail or in person. (Consumer Advocates App. at 10-12.)

{¶ 18} In its memorandum contra, Duke argues that Consumer Advocates' request to give customers the right to decide which transactions and notices the customer will receive electronically and which ones the customer will receive by mail or other means, as well as their proposal to require the utility to inform customers of any risks that the customer would assume by receiving notices electronically, are unreasonably vague, likely to lead to customer confusion, and burdensome for the utility to implement and, therefore, opposed by Duke. Duke asserts that, while some utilities may have or soon acquire the capability for a customer to select the form of communication for specific categories of notices and

transactions, such technology is not generally available to all utilities and may not capture every possible type of notice and transaction. Duke endorses the existing rule as providing clear guidance to the utility and protection for the customer. Further, Duke highlights that customers are different in their familiarity and use of electronic mail and traditional mail and, therefore, reasons the utility is simply not positioned to assess the risk for its customers. (Duke Memo at 3-5.)

{¶ 19} Dominion argues that this rule has always required that the customer and the utility be in agreement regarding the use of electronic notices and no party to this rulemaking proposed to change or eliminate that aspect of the rule. Therefore, Dominion reasons this assignment of error should be rejected as Consumer Advocates have not demonstrated that the revision to the rule is unreasonable or unlawful. (Dominion Memo at 6-7.)

{¶ 20} FirstEnergy contends that Consumer Advocates propose, for the first time in this proceeding, that Ohio Adm.Code 4901:1-18-02(D) be revised to reflect that consumers who pay their utility bills electronically do not affirmatively consent to receive all notifications electronically, including the disconnection notice. FirstEnergy states the Commission decision to amend Ohio Adm.Code 4901:1-18-02(D) was both reasonable and lawful and made after a comprehensive and deliberate consideration of numerous comments. Accordingly, FirstEnergy submits that Consumer Advocates' assignment of error should be rejected in its entirety. (FirstEnergy Memo at 3-4.)

{¶ 21} The Commission's intent with the revision to Ohio Adm.Code 4901:1-18-02(D) was to emphasize that all notices pursuant to Ohio Adm.Code Chapter 4901:1-18 may be provided electronically upon affirmative consent by the customer. We reject Consumer Advocates' proposal to allow customers to elect the manner (electronic mail, U.S. mail, or in person) in which each notification will be provided as overly complicated and burdensome.

{¶ 22} However, the Commission finds that further amendment of Ohio Adm.Code 4901:1-18-02(D), as well as Ohio Adm.Code 4901:1-17-02(E), is appropriate to revise the rule

to specifically state that the payment of bills electronically does not constitute affirmative consent to electronic notice and to state that the customer may withdraw his or her consent to communicate electronically at any time. Accordingly, Consumer Advocates' fourth request for rehearing is granted, in part, and denied, in part, and Ohio Adm.Code 4901:1-18-02(D) and 4901:1-17-02(E) are revised as attached.

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

a. Paragraph (A)

{¶ 23} Ohio Adm.Code 4901:1-18-05(A), as currently effective, requires the utility, upon contact by a customer whose account is delinquent, to offer a reasonable extension of the due date, and, if the customer proposes reasonable payment terms, the utility, at the utility's discretion, may accept the customized payment plan proposed.

{¶ 24} In their third assignment of error, Consumer Advocates argue that the Finding and Order unreasonably failed to require utilities to report to Staff the number of customized payment plans made with customers. Consumer Advocates note that utilities are required to report the number of customers on each of the ordered payment plans offered pursuant to Ohio Adm.Code 4901:1-18-05(B). To ensure that the Commission's intent is being implemented, Consumer Advocates aver that the Commission should revise the rule to require utilities to report the number of customized payment plans extended to consumers and the number of extensions of the due date offered to consumers. (Consumer Advocates App. at 9-10.)

{¶ 25} Dominion and FirstEnergy contend that neither Consumer Advocates, nor any other party, made any proposal in their comments or reply comments to require Staff to report on customized payment plans. Further, Dominion notes that there is no discussion of any such reporting proposal in the applicable section of the Finding and Order and argues there can be no error for failing to adopt a rule change that was never offered by Staff or in comments. Finding and Order at ¶¶ 52-59. FirstEnergy notes that Consumer Advocates do

not cite to a reference where any such reporting proposal was raised in this case. Dominion states that Consumer Advocates advancement of a substantive proposal at this stage is procedurally improper. Nonetheless, Dominion states that Consumer Advocates' reporting proposal is not adequately supported by any statement of need or benefit. Dominion and FirstEnergy state that they do not presently track the number of customized payment plans executed and to do so would require programming of their computer systems and impose an incremental cost of tracking. Dominion and FirstEnergy ask that the proposal be denied by the Commission. (Dominion Memo at 5-6; FirstEnergy Memo at 1, 2-3.)

{¶ 26} The Commission notes that this is the first time this proposal is being offered in this rule review proceeding. In accordance with R.C. 4903.10, Consumer Advocates cannot raise this issue on rehearing where neither Consumer Advocates nor any other party made such proposal in their comments or reply comments in this case. Because R.C. 4903.10 only allows rehearing of matters already determined in this proceeding, the Commission cannot consider this new proposal on rehearing. Therefore, this assignment of error is denied.

b. Paragraph (B)

{¶ 27} 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 and direct the customer to the local community action agency.

{¶ 28} The Commission revised Ohio Adm.Code 4901:1-18-05(B) to direct the customer to the local energy assistance provider or other community-based nonprofit organization designated by ODSA. Finding and Order at ¶ 59.

{¶ 29} Duke submits that, as revised, Ohio Adm.Code 4901:1-18-05(B) is unreasonable and unlawful as the rule is ambiguous regarding whether the utility must

contact ODSA on the customer's behalf to determine the local energy assistance provider and services offered. Duke believes that the intent of the revision was to clarify the utility's obligation to provide the number to the customer. Duke reasons that to do otherwise would be unreasonably burdensome for the utility. Duke proposes Ohio Adm.Code 4901:1-18-05(B) be amended as follows:

(B) If a customer requests additional information about PIPP plus, the utility company shall * * * direct the customer to the toll-free telephone number of the Ohio development services agency which the customer may call to identify the local energy assistance provider or other community-based nonprofit organization designated by the Ohio development services agency to offer services in the customer's service area.

(Duke App. at 3-4.)

{¶ 30} Duke's request for rehearing is granted. The Commission agrees that the proposed amendment better reflects the intent of the revision to Ohio Adm.Code 4901:1-18-05(B) and the rule should be revised accordingly as attached to this Second Entry on Rehearing.

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

{¶ 31} In its comments, OPAE requested, and Consumer Advocates endorsed, that, in light of the fact that some utilities have installed and operational advanced metering infrastructure (AMI) capable of remotely connecting and disconnecting the customer meter, the Commission set the reconnection fee at \$10, during regular business hours, and at \$15 for reconnection in the evening and on weekends. Consumer Advocates noted that the utilities have touted the technological capabilities of AMI or smart meters and cited the cases

in which utility companies have been approved to install AMI.¹ Finding and Order at ¶¶ 121-122.

{¶ 32} In the Finding and Order, the Commission found it inappropriate to address a utility's rates and charges as part of the rule review and, for that reason, did not revise or amend the rule as proposed by OPAE. However, the Commission warned utilities that "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." Finding and Order at ¶ 124.

{¶ 33} On rehearing, in their second assignment of error, Consumer Advocates argue that, although the Commission acknowledged the state's policy to ensure the availability of reasonably priced electric and natural gas services and charges, the Finding and Order unreasonably and unlawfully failed to establish a reconnection charge for customers who have AMI meters installed. Consumer Advocates argue that remote read meters do not require the utility to visit a customer's home to reconnect service and, therefore, the utility's costs have plunged dramatically. Consumer Advocates reason the reconnection charge should be cost-based and customers with traditional meters and customers with AMI charged accordingly. Consumer Advocates aver the utilities have been slow to offer to reduce reconnection charges associated with the cost savings for AMI and, therefore, Consumer Advocates propose that the Commission require any utility that has not committed to file a rate case before 2022 to file an application not for an increase in rates to implement a cost-based tariff charge for AMI disconnections and reconnections. (Consumer Advocates App. at 6-8.)

¹ *In re Ohio Power Co.*, Case No. 13-1939-EL-RDR, Opinion and Order (Feb. 1, 2017) at ¶¶ 18, 34-35; *In re Ohio Power Co.*, Case No. 18-1618-EL-RDR, Finding and Order (Nov. 21, 2019) at ¶ 22; *In re Ohio Edison Co., The Cleveland Electric Illuminating Co., and The Toledo Edison Co.*, Case No. 16-481-EL-UNC, Opinion and Order (July 17, 2019); *In re The Dayton Power and Light Co.*, Case 18-1875-EL-GRD, Application (Dec. 21, 2018).

{¶ 34} Dominion notes that it does not have the capability to remotely disconnect and reconnect meters. Nevertheless, Dominion agrees with the Commission's ruling in the Finding and Order and further submits that it would not be appropriate to embed a specific reconnection charge for a type of meter in the rules and make it applicable to all utilities. Dominion continues that the original proposal, which was to impose a \$10 reconnection charge for all AMI meters, would essentially mandate a uniform ceiling on such charges without consideration of specific costs of the individual utilities. Dominion reasons that this is not a proceeding to establish rates and the reconnection charges can be handled in the utilities' rate filings as necessary. According to Dominion, there is no reason for the Commission to order that applications be filed at a specific time. Dominion requests that the Consumer Advocates' second assignment of error be denied. (Dominion Memo at 4-5.)

{¶ 35} Duke states that its current electric tariff accounts for the difference in cost for a remote and non-remote reconnection and the difference is reflected in its reconnection fees of \$10 and \$69, respectively.² Duke notes that remote disconnection and reconnection is not instantaneous or cost-free as the utility incurs costs associated with the review of the customer account and administrative requirements before disconnecting or reconnecting the service. Duke believes that, while Consumer Advocates tacitly acknowledged the reasonableness of its current remote reconnection fee, by requesting that such fees be limited to \$10, the Consumer Advocates appear to be demanding on rehearing that Duke be required to file an application to re-establish the remote reconnection rate. Duke finds Consumer Advocates' request to be baseless and inappropriate as a part of this rule review proceeding and, therefore, Duke asks that the assignment of error be denied. (Duke Memo at 2-3.)

{¶ 36} The Commission affirms its previous ruling that the appropriate proceeding to determine a utility's rates is not as part of a rulemaking case. Interested stakeholders may

² See P.U.C.O. Electric No. 19, Sheet No. 92.4. Duke is not able to disconnect or reconnect gas meters remotely at this time.

file to intervene in the utility's base rate proceeding where the parties evaluate the utility's charges, including the reconnection charge. In addition, as part of the array of Commission proceedings, a party may pursue negotiations to have the utility file a base rate case by a certain date in the future. Nonetheless, the Commission expects, and prudent utility behavior requires, that customers receive the operational savings benefit of installed AMI and gridSMART technologies. Accordingly, we deny Consumer Advocates' request for rehearing of this issue.

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

a. Paragraph (D)(1)

{¶ 37} Paragraph (D)(1) of Ohio Adm.Code 4901:1-18-12, among other things, affords the PIPP customer a 60-day grace period to reverify their eligibility to continue to participate in the PIPP program.

{¶ 38} As part of their first assignment of error, Consumer Advocates reiterate their prior request to extend the grace period for PIPP customers to reverify their eligibility from 60 days to 90 days. Consumer Advocates assert the extension of the grace period for reverification is designed to help customers avoid being dropped unnecessarily based on a purely arbitrary timeline for reverification. (Consumer Advocates App. at 5.)

{¶ 39} Consumer Advocates fail to present on rehearing any arguments which were not previously considered by the Commission. Finding and Order at ¶¶ 151-153. Accordingly, the Commission denies the request for rehearing.

b. Paragraph (D)(2)

{¶ 40} Paragraph (D)(2) of Ohio Adm.Code 4901:1-18-12 requires the PIPP customer be current on their PIPP installment payments 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, paragraphs (D)(2)(a) and (D)(2)(b) of Ohio Adm.Code 4901:1-18-12 define what constitutes a missed PIPP payment.

{¶ 41} In the Finding and Order, the Commission denied Consumer Advocates' recommendation to extend the time period for PIPP customers to cure any missed PIPP installment payments from one billing cycle to three billing cycles. Finding and Order at ¶¶ 153-156. However, the Commission amended Ohio Adm.Code 4901:1-18-12(D)(2)(b) to limit the number of missed monthly PIPP installment payments a customer must cure to re-enroll in the PIPP program to a maximum of 24 months, not to exceed the amount of the customer's arrearage.

{¶ 42} As part of their first assignment of error, Consumer Advocates argue again that the Commission should provide more time for PIPP customers to make any missed payments to remain on PIPP (Consumer Advocates App. at 5).

{¶ 43} The Commission notes that Consumer Advocates present no additional arguments for the Commission's consideration on this issue. The Commission has thoroughly considered the request for additional time to cure missed PIPP payments and, therefore, the Commission denies this aspect of Consumer Advocates' request for rehearing.

{¶ 44} In its second assignment of error, Duke submits that the applicability of revised rule Ohio Adm.Code 4901:1-18-12(D)(2)(b) is ambiguous. Duke proposes a further amendment of the rule to clarify when the provision is applicable based on Duke's understanding of the intent of the rule. Duke proposes an amendment to paragraph (D)(2)(b) of Ohio Adm.Code 4901:1-18-12 to open the provision with the following phrase: "[f]or customers who have been removed from the PIPP program." (Duke App. at 4-5.)

{¶ 45} The Commission finds that the purpose of Ohio Adm.Code 4901:1-18-12(D)(2)(a) and (b) is merely to define what constitutes a missed PIPP installment payment. Ohio Adm.Code 4901:1-18-12(D)(3) is applicable where a PIPP customer has been involuntarily removed from the PIPP program. Thus, Duke's proposal to further amend

Ohio Adm.Code 4901:1-18-12(D)(2)(b) is unnecessary and, therefore, Duke's request for rehearing is denied.

{¶ 46} OPAE and Consumer Advocates, in their respective first assignments of error, argue that the Finding and Order unreasonably and unlawfully requires customers who are disconnected, are dropped from PIPP, or voluntarily leave the PIPP program to pay a maximum of 24 PIPP installment payments. Although OPAE acknowledges that the 24-month cap is an improvement over the current rule, OPAE states the provision remains onerous and will inhibit participation in the PIPP program. OPAE surmises that the amendment to the rule is intended to treat PIPP customers like non-PIPP residential customers who are responsible for the entire accrued balance on the final bill. However, OPAE states that requiring the former PIPP customer to pay up to 24 months of PIPP payments to re-enroll in the program is unreasonable. OPAE reminds the Commission that the income of many PIPP households is at or below 100 percent of the federal poverty level and, for that reason, asking a low-income customer to come up with 24 months of missed PIPP payments is unreasonable. OPAE recommends that the limit be modified to six months of PIPP installment payments. OPAE believes that six months of PIPP installment payments will address the Commission's concerns of gaming the system during the summer months, while being more feasible for the customer to secure as opposed to 24 months of PIPP payments. OPAE notes that, in the recent Winter Reconnect Order, the Commission permitted former PIPP customers that were disconnected, were dropped from the program, or voluntarily left the program who now have a disconnection notice to re-enroll in PIPP even if the customer has missed payments. *In the Matter of the Commission's Consideration of Solutions Concerning the Disconnection of Gas and Electric Service in Winter Emergencies for the 2020-2021 Winter Heating Season*, Case No. 20-1252-GE-UNC, Finding and Order (Aug. 12, 2020). OPAE urges the Commission to recognize the difficult choices facing many low-income customers and reduce the number of past PIPP payments required to re-enroll from 24 months to six months. (OPAE App. at 5-7.)

{¶ 47} Further, Consumer Advocates state that the 24-month cap of PIPP payments is unreasonable and not helpful in eliminating the barriers to re-enroll for low-income customers. According to Consumer Advocates, the 24-month limit is harmful to consumers and they reiterate the proposal that the customer's responsibility for PIPP installment payments be limited to the payments due while the customer was actively enrolled in PIPP. Consumer Advocates argue that the amendment, to require up to 24 months of PIPP installment payments, exceeds the Commission's stated rationale for including this provision in the rules—to discourage seasonal participation—and makes it next to impossible for low-income consumers to re-enroll in PIPP and, therefore, the Commission's Finding and Order is unreasonable. Consumer Advocates argue the Commission should eliminate the requirement that PIPP customers are responsible for PIPP payments when the customer is not actively enrolled in the PIPP program to provide flexibility to meet the special needs of the at-risk, low-income population that the program serves. (Consumer Advocates App. at 2-6.)

{¶ 48} Duke supports the Commission's efforts to ease the burden of PIPP customers but believes it is important to balance those efforts with the interests of non-PIPP customers, such that all ratepayers are treated fairly. Duke declares that the alternatives proposed by OPAE and Consumer Advocates, to require six months or zero months of made-up PIPP payments when the customer is disconnected or not actively enrolled in PIPP, will create problematic incentives. In the absence of accountability for missed PIPP payments, Duke reasons PIPP customers will be able to leave the program, build up unpaid accrued charges while not enrolled in PIPP, and then return to the program. Duke states this will lead to more unpaid PIPP arrearages and run counter to the Commission's goal of maintaining a proper balance and the integrity of the gas PIPP program. (Duke Memo at 2.)

{¶ 49} Dominion reiterates, as noted in its reply comments, that any reduction in the amount owed by PIPP customers creates a bill that must be paid by other customers. Dominion avers that a balance needs to be maintained between program benefits and the conditions of participation, and between the interest of the PIPP program beneficiaries and

the interest of the customers who pay for those benefits. Dominion notes that the Commission considered the same arguments concerning affordability that Consumer Advocates and OPAE now raise again in their applications for rehearing. Dominion states that Consumer Advocates and OPAE have not raised any new arguments for the Commission's consideration nor have they shown that the modifications to the rules, which they recognize as favorable to PIPP customers, make the Finding and Order unreasonable or unlawful. Therefore, Dominion states the Commission should reject the assignments of error and deny the requests for rehearing on this issue. (Dominion Memo at 2-3.)

{¶ 50} The Commission acknowledged that financial circumstances and the requirements of the PIPP program may make re-enrollment in the PIPP program difficult for some low-income former PIPP customers. We noted that through the PIPP program the Commission wants to continue to discourage the seasonal disconnection of gas utility services. We also explained the necessity that we balance the interests of PIPP customers, and all other utility customers, which includes other low-income residential customers, as well as protect the integrity of the gas PIPP program. Finding and Order at ¶¶ 165, 175. In the Finding and Order, the Commission thoroughly considered the numerous proposals and arguments of the commenters to reduce the requirements to re-enroll for former PIPP customers. Recognizing that the requirements to resume participation in the PIPP program could be particularly difficult for extremely low-income customers, the Commission imposed a limitation on the amount of the accrued charges for which the customer would be required to pay to re-enroll. We emphasize, at present, the former PIPP customer is responsible for the charges on the account when not enrolled in the PIPP program, like other residential customers. Consumer Advocates and OPAE request on rehearing that the PIPP program be further revised to reduce or eliminate the obligations of PIPP or former PIPP customers. The arguments presented on rehearing were already thoroughly considered by the Commission and, therefore, we deny the applications for rehearing to further revise the minimum PIPP installment payment cap.

c. Paragraph (D)(3)

{¶ 51} Ohio Adm.Code 4901:1-18-12(D)(3) outlines the payment obligation for a PIPP customer whose participation in PIPP plus has been involuntarily terminated. As amended, 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 the PIPP program, but was otherwise eligible for the program, to re-enroll after the customer makes the missed PIPP installment payments, which includes PIPP installments for any months the customer was disconnected, up to a maximum of 24 payments. In the amendments adopted in the Finding and Order, the Commission eliminated the requirement that the customer pay monthly charges for any months the customer was not enrolled in the PIPP program.

{¶ 52} In its fourth and fifth assignments of error, Duke asserts the Finding and Order is unreasonable and unlawful as to Ohio Adm.Code 4901:1-18-12(D)(3). First, Duke argues that Ohio Adm.Code 4901:1-18-12(D)(3) is ambiguous as to whether customers removed from PIPP before the revision takes effect should be charged monthly charges incurred when not enrolled in PIPP, in addition to PIPP installment payments to be re-enrolled in the program. Duke states it is not clear whether this amendment to the rules will apply to customers who were involuntarily dropped before the amendment to the rule takes effect or if it will apply only to customers who are involuntarily dropped after the revised rule takes effect. Duke requests that the Commission clarify that the change will apply to all customers who attempt to be reinstated to the program after the effective date of the rules irrespective of whether the customer was dropped prior to the effective date or after the effective date of the amended rules. (Duke App. at 6-7.)

{¶ 53} As to the application of Ohio Adm.Code 4901:1-18-12(D)(3), the Commission clarifies that, pursuant to the current rules, a former PIPP customer who seeks to re-enroll shall be responsible for current charges and, once the amendments to the PIPP program rules become effective, the same former PIPP customer will be responsible for PIPP installment payments due. If the period when the former PIPP customer is dropped from the program and subsequently seeks to re-enroll includes a month or months before the

amendments to the rules become effective, then the former PIPP customer may be responsible for current charges (accrued prior to the effective date of the amended rules) and also be responsible for a month or months of PIPP installment payments (accrued after the effective date of the amended rules). The application of Ohio Adm.Code 4901:1-18-12(D)(3) is analogous to a rate change for a non-PIPP customer with outstanding past due charges. Accordingly, we deny Duke's fourth assignment of error.

{¶ 54} Next, in its fifth assignment of error, Duke claims that amended Ohio Adm.Code 4901:1-18-12(D)(3) contains an unnecessary disparity between involuntarily dropped former PIPP customers and PIPP customers who voluntarily terminate participation in the program that makes the rules more burdensome to implement. Duke believes that customers who have no outstanding arrearages at the time the customer was removed from the PIPP program, whether dropped voluntarily or involuntarily, should be treated the same. Duke notes that the Commission appears to recognize the similarities between the two categories of PIPP customers in the Finding and Order. Finding and Order at ¶ 175. Further, Duke argues that Ohio Adm.Code 4901:1-18-12(D)(3) is inconsistent with ODSA's proposed revisions to the electric PIPP program at Ohio Adm.Code 122:5-3-02(B) and Duke believes its proposed amendment to Ohio Adm.Code 4901:1-18-12(D)(3) would be more consistent with Ohio Adm.Code 4901:1-18-15(F). Duke recommends Ohio Adm.Code 4901:1-18-12(D)(3) be revised to state as follows:

If a customer had no outstanding arrearages at the time he/she was involuntarily dropped from the PIPP plus program (e.g. for failure to re-verify) and is otherwise eligible for PIPP plus, and then re-joins PIPP plus after twelve months, the customer will be required to pay his or her first PIPP plus payment.
If the customer re-joins PIPP plus after twelve months and had outstanding arrearages at the time he/she was involuntarily dropped from the PIPP plus program, 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, the customer~~ may re-enroll in the program after all missed PIPP plus payments have been cured. This does not include 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.

(Duke App. at 7-8.)

{¶ 55} Duke's fifth assignment of error is denied. The Commission notes we have repeatedly given this issue a great deal of thought and consideration. We emphasize among the goals of the PIPP and Graduate PIPP programs are to create more affordable payments for program participants; to improve payment patterns and encourage responsible financial behavior; to interrupt the seasonal cycle of disconnection; to improve the credit record of PIPP program participants by rewarding good payment history with arrearage crediting; and to encourage PIPP customers' successful migration from the PIPP program. *2008 Rule Review*, Entry (June 25, 2008) at 6. To minimize the impact of arrearage crediting on the gas PIPP rider, the Commission has determined that it is fair and reasonable for PIPP customers to be responsible for their income-based installment payment for the months when the customer's utility service is disconnected. The missed installment payments reduce the customer's arrearages while enrolled in PIPP and eliminate the financial incentive to go on and off the PIPP program. *2008 Rule Review*, Finding and Order (Dec. 17, 2008) at 76, Entry on Rehearing (Apr. 1, 2009) at 37-38; *In the Matter of the Commission's Review of its Rules for the Establishment of Credit for Residential Utility Services and the Disconnection of Gas, Natural Gas, or Electric Services to Residential Customers Contained in Chapters 4901:1-17 and 4901:1-18 of the Ohio Administrative Code*, Case No. 13-274-AU-ORD (2013 Rule Review), Finding and Order (June 4, 2014) at ¶ 61(a). In addition, the PIPP program has benefits for paying on time and in full to help reduce a customer's arrearages. Once a customer has been able to reduce their arrearage, the customer can remain on the program and continue to pay the

required PIPP installment payment and continue to receive the benefits of the program. However, if the customer chooses to leave the PIPP program, then the customer should remain off the program for at least 12 months or pay the PIPP installment payment for those months the customer was not enrolled in the program to re-enroll within a 12-month period. The Commission recognizes that a gas PIPP customer's installment payment may be higher than the customer's current bill amount in the summer months and, therefore, the customer may not want to remain on the program during those months and may seek to rejoin the program during the winter months to receive the benefits of the PIPP program. The Commission wants to discourage such behavior, as the PIPP installment payments made in the summer months, like a budget payment plan, help to offset the higher winter month bills, thus helping to lower the cost of the PIPP program. For these reasons, the Commission denies Duke's fifth assignment of error.

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

a. Paragraph (A)

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

{¶ 57} In its November 4, 2020 Finding and Order, the Commission reduced the monthly PIPP installment payment percentage for the gas PIPP program to five percent of the monthly household income or \$10, whichever is greater. Finding and Order at ¶ 179.

{¶ 58} In its third assignment of error, Duke asserts, similar to the issues raised in its fourth assignment of error, that the Commission should clarify whether the new PIPP payment amount should be calculated by reducing the current installment amount or by using the most recent available household income data provided in the Ohio Community and Energy Assistance Network (OCEAN). Duke also requests that the Commission clarify whether the reduced payment percentage will apply for purposes of calculating the amount

that customers who have been dropped from the program must pay to be reinstated on the program, including whether missed payments should be based on the reduced percentage. Duke recommends that the Commission use the new five percent rate for purposes of both ongoing and reinstatement calculations to reduce the burden of implementation. (Duke App. at 5-6.)

{¶ 59} The Commission directs that, after the rule amendments in this case become effective, gas and natural gas utilities determine the amount of the PIPP customer's monthly payment due by applying the effective percentage to the most recent household income data available in OCEAN. The utilities should retain records of the amount of past due charges owed as of the effective date of the rule amendments, just as the utility would for other outstanding charges owed, and apply the new PIPP installment percentage as of the effective date of the amendments to the rules.

{¶ 60} Finally, Duke requests that the Commission clarify, consistent with the reduction from six percent to five percent, that a customer participating on the gas and electric PIPP programs will be paying a combined 10 percent of their income, rather than the 12 percent that they currently pay (Duke App. at 6).

{¶ 61} The Commission notes that ODSA has proposed, like the Commission adopted in the November 4, 2020 Finding and Order, to reduce the PIPP installment payment percentage to five percent of the customer's monthly income.³ The Commission confirms that, should ODSA's proposed amendments and the Commission's adopted amendments to the Ohio Administrative Code become effective, Duke's gas and electric PIPP customers will pay a total of 10 percent of their monthly income, rather than the current 12 percent, for their utility services.

³ See ODSA's proposed Ohio Adm.Code 122:5-3-04(A)(1) at <https://development.ohio.gov/files/rules/Chapter-122-Updated-11-2020.pdf> (posted November 25, 2020).

b. Paragraph (C)

{¶ 62} Ohio Adm.Code 4901:1-18-13(C)(2) designates how money, other than Home Energy Assistance Program (HEAP) or emergency HEAP and monthly public or private agency funds, shall be applied to a customer's account for gas utility service. 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 to the customer's arrearages. Staff made no recommendation to revise this provision of the rules.

{¶ 63} In its comments, OPAE proposed, 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. Finding and Order at ¶ 181.

{¶ 64} In its November 4, 2020 Finding and Order, the Commission explained that the primary purpose of the provision is to avoid the disconnection of the customer's utility service and noted that Ohio Adm.Code 4901:1-18-13(C)(2) has been part of the rules since the PIPP plus program's inception in November 2010. Accordingly, no revision to Ohio Adm.Code 4901:1-18-13(C)(2) was adopted. Finding and Order at ¶ 182.

{¶ 65} On rehearing, in its second assignment of error, OPAE alleges that the application of the payment priority is unreasonable and unlawful. OPAE offers that PIPP customers have limited resources, constantly juggling bills and choosing between utilities, eating, and paying for health care. Further, OPAE argues that Ohio Adm.Code 4901:1-18-13(C)(2) exceeds the Commission's authority, to the extent that the rule requires funds that do not originate from a government program be applied to the customer's arrearages first and then only to current bills if the payment cures the arrearages. OPAE contends the funds should first be applied to missed PIPP payments and then to current PIPP payments rather than to the customer's arrears. As an example, OPAE offers that, if a PIPP customer has

been off the program for six months and wishes to re-enroll, and if the former PIPP customer is able to obtain a portion of the funds from a charity to cover the PIPP payments, the rules require that those funds be applied to arrearages. According to OP&E, the rule limits the ability of a customer to cure missed PIPP payments because it prohibits the customer from using charitable benefits for this purpose. OP&E argues all customers would benefit if charitable funds, not managed by the state government, are applied to missed PIPP payments and current bills. (OP&E App. at 7-8.)

{¶ 66} Duke disagrees with OP&E's proposal, in part. Duke states that, to make it easier for PIPP customers to remain on PIPP or to be re-enrolled, the funds should be applied first to missed PIPP installments, then to current PIPP installments, and then to future PIPP installments rather than arrears. Duke reasons that its proposed payment order would reduce the frequency of customers having to be dropped from PIPP only to re-enroll and make it easier for customers to maintain their utility service. Duke states that, although it does not agree with OP&E's assignment of error as written, Duke believes a modified version of OP&E's proposal would make for a reasonable rule. (Duke Memo at 5-6.)

{¶ 67} Dominion proclaims that OP&E does not explain how the priority of payments in the existing rule exceeds the Commission's authority under the law or explain why the Commission must require funds from a public or private agency to be applied first to missed or due PIPP payments. Dominion asserts that revising the order of the application for third-party payments, as proposed by OP&E, would require Dominion to change the hierarchy of its system for payment priority and prevent Dominion from first applying the third-party payment to unpaid fees on the customer's account, such as unauthorized usage, fraud, reconnection fees, or deposits. Dominion notes that OP&E does not address the reprogramming cost for utilities to track third-party payments to apply such payments to missed or due PIPP payments. Dominion argues that OP&E fails to demonstrate that its proposed revision to the rule is reasonable or appropriate or that the Commission erred in rejecting OP&E's proposal. Further, Dominion declares that OP&E's attempt to bolster its original proposal to revise Ohio Adm.Code 4901:1-18-13(C)(2) in its application for

rehearing is untimely and insufficient and, accordingly, should be rejected by the Commission. (Dominion Memo at 7-9.)

{¶ 68} First, the Commission disagrees with OPAE's claim that the Commission exceeded its authority. The Commission is vested with the authority to direct gas and natural gas utilities how to apply funds to the accounts of their customers, including their PIPP customers, pursuant to its general supervisory authority granted under R.C. 4905.04 and 4905.06. And, while the Commission neither proposed nor adopted any revisions to the payment priority in paragraph (C) of Ohio Adm.Code 4901:1-18-13, as a part of this proceeding, the Commission notes this provision of the rule, or a substantially similar provision, has been a part of Ohio Adm.Code Chapter 4901:1-18 since the PIPP plus program was first initiated. *2008 Rule Review*, Finding and Order (Dec. 17, 2008) at 57, Entry on Rehearing (Apr. 1, 2009) at 28-29. Furthermore, Ohio Adm.Code 4901:1-10-22(G) and 4901:1-10-33(H), applicable to electric utilities and competitive retail electric service (CRES) providers, respectively, also direct the application of monies paid on customer accounts. Accordingly, the Commission concludes that OPAE's claim is without merit.

{¶ 69} As to the assertion that Ohio Adm.Code 4901:1-18-13(C)(2) is unreasonable, the Commission notes that the rule applies to financial assistance presented by a charitable or other organization to the utility or the utility's assistance program on behalf of a customer. Often, the reason for the financial assistance is to address the disconnection status of the account and to help the customer maintain their utility service. It is the Commission's understanding that most charitable organizations that provide utility assistance often require that the customer present a disconnection notice to receive assistance. However, even if the organization does not require the account to be in disconnection status to secure assistance, Ohio Adm.Code 4901:1-18-13(C)(2) specifically directs that the funds "first be applied to the customer's defaulted current monthly payment obligation." Simply stated, the rule directs that the financial assistance first be applied to past due payments owed or missed PIPP payments due. Next, if the account is not in disconnection status or there are remaining funds committed to the customer for utility assistance, the funds are applied to

the customer's current monthly income-based payment obligation or, in other words, the PIPP payment currently due. Any remaining funds are then applied to the customer's PIPP arrearage. Therefore, the provision is intended to eliminate the threat of imminent disconnection and then to bring the account current. Furthermore, the Commission finds OPAE's application to be an untimely attempt to support its comments. Accordingly, OPAE's application for rehearing should be denied.

{¶ 70} Regarding Duke's recommendation that funds be applied to future PIPP installments due rather than the customer's arrearages, the Commission notes this proposal was raised in the *2013 Rule Review*. While the Commission did not impose the requirement as part of the rules, the Commission strongly encouraged gas utilities to apply a customer's overpayment of the monthly PIPP payment due to the customer's future PIPP payment, if requested by the customer and consistent with these rules. *2013 Rule Review*, Entry on Rehearing (Aug. 6, 2014) at 15-16. Gas utilities should continue to follow this practice.

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

{¶ 71} In paragraphs (D) through (G) of Ohio Adm.Code 4901:1-18-16, the Commission adopted amendments to afford a former PIPP customer two billing cycles to cure any missed PIPP installments and extended the Graduate PIPP program to 14 months to allow the Graduate PIPP customer to make 12 Graduate PIPP payments. Finding and Order at ¶ 193. As the rule is currently effective, the Graduate PIPP program is for a term of 12 months and the former PIPP customer must be current with their PIPP income-based installment payments or cure the PIPP default in one billing cycle to be enrolled in Graduate PIPP.

{¶ 72} Columbia and Duke, in their respective applications for rehearing, raise issues regarding the amendments to Ohio Adm.Code 4901:1-18-16. Columbia requests that four aspects of the amended rules be clarified, while Duke requests clarification on three aspects of the rules and proposes additional amendments to Ohio Adm.Code 4901:1-18-16.

{¶ 73} Duke, while supporting the goal of offering customers additional time to meet the conditions for Graduate PIPP, believes that offering Graduate PIPP participants two billing cycles to cure any missed PIPP installments, rather than one billing cycle, introduces unanticipated system complications. Duke states that, currently, when it receives a Graduate PIPP enrollment record for a customer who is not current on their PIPP payments, Duke drops the customer from PIPP and places the customer in the “Graduate PIPP Pending” status. If the customer fails to pay the missed PIPP installment payments by the time the next bill is generated, the customer is removed from the Graduate PIPP program and is billed a consumption charge on the next bill. If the customer brings the account current by the time the next bill is generated, the customer is transferred to “Graduate PIPP Enrolled” and is billed a Graduate PIPP installment on the next bill. Duke asserts that the addition of a second pending period raises questions regarding how the customer is to be treated in the second billing period. Duke requests that, if Ohio Adm.Code 4901:1-18-16(D) is adopted to afford the former PIPP customer two billing cycles, the Commission provide clarification of the following issues: (a) what amount must a customer be billed for the first and second billing periods if he or she fails to come current by the end of the second billing period (a graduate PIPP installment or a normal bill charge); (b) if the customer is billed a normal bill charge during this period, would that bill charge be added to the customer’s PIPP arrearage; and does the customer’s obligation to be current on any “missed PIPP payments” by the end of the second billing period include the obligation to be current on the installment charged for the first billing period. (Duke App. at 8-9.)

{¶ 74} As an alternative to the adopted amendments to Ohio Adm.Code 4901:1-18-16, Duke proposes what it believes to be a simplified approach to achieve the goal of granting the customer more time to be enrolled in the Graduate PIPP program. Duke proposes that customers be automatically enrolled in Graduate PIPP and that any Graduate PIPP installment payment would be billed the following billing period. If the customer does not become current on their past due PIPP installment payments within two billing periods of being enrolled in Graduate PIPP, the customer would be removed from the program.

Duke asserts the customer would then have the opportunity to become current on any missed PIPP and Graduate PIPP installment payments within the 14-month period and be reinstated on Graduate PIPP for the remaining months, if any, after the original Graduate PIPP enrollment date. Duke reasons this process would allow eligible customers the flexibility to become current during the program transition period but would prevent confusion on what amounts the utility should bill the customer. Accordingly, Duke recommends that Ohio Adm.Code 4901:1-18-16(D) be amended as follows:

Upon enrollment 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 two billing cycles of the customer's enrollment in graduate PIPP plus. If the newly enrolled Graduate PIPP plus customer does not become current with his/her missed PIPP plus payments or cure any missed PIPP plus payments within two billing cycles the gas or natural gas utility company shall remove the customer from the Graduate PIPP plus program.

(Duke App. at 9-10.)

{¶ 75} In its request for clarification, Columbia asks when the 14-month Graduate PIPP payment cycle begins. Columbia states that it enrolls customers in Graduate PIPP when the eligible customer contacts ODSA to enroll in the program, which can be months after the customer has ended participation in the PIPP program. (Columbia App. at 1.)

{¶ 76} Second, Columbia requests clarification regarding when a customer will be determined in default on Graduate PIPP. For example, Columbia asks if the account of a customer on Graduate PIPP would be in default if the customer misses the payments in months five and six, since the customer has 14 months to make 12 payments on the program. Columbia also seeks clarification on the actual billing of the 12 monthly payments and whether, if the customer misses a payment or two, the missed payments are added to the customer's arrearage. (Columbia App. at 1-2.)

{¶ 77} Third, Columbia seeks clarification on when forgiveness is given for customers in the revised Graduate PIPP program and when does the utility apply arrearage forgiveness. Columbia states it is unsure whether this forgiveness is applied to the current payment plan installment or on the total balance due on the bill because the customer has 14 months to pay off charges on the amended Graduate PIPP program. (Columbia App. at 2.)

{¶ 78} In its fourth request for clarification, Columbia asks, under the revised Graduate PIPP program, when will a disconnection notice for nonpayment be initiated. Columbia inquires if the gas company must, under amended Ohio Adm.Code 4901:1-18-16, wait 14 months before it can disconnect service for nonpayment if the customer is enrolled in the Graduate PIPP program. (Columbia App. at 2.)

{¶ 79} Dominion supports Columbia's and Duke's requests for clarification and agrees that additional explanation from the Commission concerning the implementation of the changes to the rule will be useful. Dominion shares Duke's desire to simplify the implementation of the Graduate PIPP program; however, Dominion does not believe that the rules should require utilities to automatically enroll customers in the Graduate PIPP program. Currently, Dominion does not use an automatic enrollment process and adopting such would require significant reprogramming. Dominion would not oppose a change permitting such a process and clarifying how such a process should function, but this would require additional revisions to Ohio Adm.Code 4901:1-18-16(D) above and beyond those proposed by Duke in its application for rehearing. Dominion requests that, if Duke's proposal to permit auto-enrollment of customers into the Graduate PIPP program is accepted, the Commission should make such a process optional. (Dominion Memo at 9.)

{¶ 80} The Commission notes that, since the inception of the Graduate PIPP program as part of the *2008 Rule Review*, Ohio Adm.Code 4901:1-18-16 has required that former PIPP customers who voluntarily elected to terminate participation or became income ineligible to participate in PIPP be automatically enrolled in the Graduate PIPP program.

2008 Rule Review, Finding and Order (Dec. 17, 2008) at 77, Entry on Rehearing (Apr. 1, 2009) at 37-38. However, at that time, with the adoption of the new PIPP plus program, the Commission recognized that the customer service systems of some gas utilities would not accommodate the automatic enrollment of former PIPP customers. As long as eligible former PIPP customers are not adversely impacted, other processes to enroll customers in Graduate PIPP were and continue to be acceptable. Accordingly, gas utilities, like Dominion, that do not have customer service systems in place to automatically enroll former PIPP customers in Graduate PIPP can still comply with Graduate PIPP program requirements. We encourage gas utilities to incorporate into their customer service systems the processes to automate, to the extent feasible, the Graduate PIPP program requirements.

{¶ 81} Based on the representations of Columbia and Duke, it appears that, in practice, some gas utilities provide former PIPP customers more than the currently required one billing cycle to become current or cure any missed PIPP payments, to be enrolled in Graduate PIPP.⁴ We affirm our adoption of the amendment to paragraph (D) of Ohio Adm.Code 4901:1-18-16 to require gas utilities to afford the former PIPP customer at least two billing cycles to cure any missed PIPP payments due. However, the Commission determines that the current 12-month term of the Graduate PIPP program is reasonable, in light of the lenient practices afforded the former PIPP customer to participate in Graduate PIPP, by at least some of the gas utilities; the complexities of carrying out the amended Graduate PIPP program consistent with the November 4, 2020 Finding and Order; and the amendments adopted by the Commission to the PIPP program which reduce the financial responsibilities of PIPP customers and, therefore, the customer's arrearage likely to be carried into the Graduate PIPP program. Accordingly, the Commission finds that Duke's proposal to amend paragraph (D) of Ohio Adm.Code 4901:1-18-16 should be denied and

⁴ We note that several of the small gas utilities, defined as having less than 15,000 customers, were granted a waiver from the requirements of the Graduate PIPP program to offer an arrearage crediting program approved by the Commission. Such waivers continue to be effective unless otherwise ordered by the Commission.

that Ohio Adm.Code 4901:1-18-16 should be amended as attached to this Second Entry on Rehearing.

{¶ 82} Further, in consideration of the requests for clarification, the Commission finds it necessary to provide some explanation of our expectations for the gas utilities' implementation of the Graduate PIPP program pursuant to the rules. We again emphasize, as noted in the Finding and Order, that a former PIPP customer need not have PIPP arrearages to be enrolled in Graduate PIPP; the purpose of Graduate PIPP is to transition the customer from PIPP to the non-PIPP residential customer requirements and obligations.

{¶ 83} In regard to Duke's first request for clarification, and Columbia's second request for clarification, about the amount the former PIPP customer is billed, the Commission explains that, under the current and amended Graduate PIPP program, the customer would be billed charges based on consumption, or what Duke refers to as a "normal bill," like a non-PIPP residential customer, for at least the first billing cycle after participation in PIPP plus ends. The former PIPP customer's next bill after PIPP ends, or other documentation provided to the customer, will state the Graduate PIPP payment amount and other details of the program, pursuant to Ohio Adm.Code 4901:1-18-16(E). If the customer wishes to participate in the Graduate PIPP program and pays the Graduate PIPP amount, then the second bill would reflect the Graduate PIPP payment due. If the customer does not make the Graduate PIPP payment, elects to pay the normal bill charges, pays less than the Graduate PIPP payment amount, or makes no payment, then the second bill after the termination of participation in the PIPP plus program will also reflect charges based on consumption or a normal bill, unless the customer enrolls in Graduate PIPP. In regard to Duke's second request for clarification, regarding whether the former PIPP customer's billed charges are added to the customer's PIPP arrearage, the simple answer is no; the customer is no longer enrolled in or eligible for PIPP, but a more detailed explanation is necessary. The customer's unpaid charges due, whether based on consumption or a Graduate PIPP payment, may result in past due charges. However, if the customer pays their missed PIPP payments, in accordance with Ohio Adm.Code 4901:1-18-16(D), the

former PIPP customer is then eligible for Graduate PIPP, and the customer would be required to pay the missed Graduate PIPP payments that the customer would have owed since being removed from PIPP in order to be current on Graduate PIPP. The difference between the Graduate PIPP and the current charges would then be placed into the customer's arrearage. Pursuant to Ohio Adm.Code 4901:1-18-13(A)(2), each time the Graduate PIPP customer makes timely payment of the required Graduate PIPP payment amount or more, the difference between the Graduate PIPP payment and the billed amount (delta) plus one-twelfth of the customer's accumulated arrearage is forgiven. The arrearage and delta credits should appear on the Graduate PIPP customer's next bill. Forgiveness is only on the PIPP arrearage and the Graduate PIPP payment delta, not on the Graduate PIPP charges which are not paid. Like the PIPP program, this affords the Graduate PIPP customer the opportunity to participate in the program without accruing further arrearages. For the two billing cycles that the former PIPP customer may be billed a "normal bill" or charges based on consumption, the delta is not added to the customer's PIPP arrearage. The former PIPP customer has the option to pay the billed charges or participate in the Graduate PIPP program. Consistent with our determination as to Duke's second request for clarification, in regard to Duke's final request for clarification, the customer's obligation to be current on any "missed PIPP payments" by the end of the second billing period includes the obligation to be current on the installment charged for the first billing period the customer is eligible to participate in Graduate PIPP. In other words, a former PIPP customer should be offered Graduate PIPP plus payment on the bill following removal from PIPP. The offer will include the PIPP default (missed PIPP installments) in addition to the first Graduate PIPP amount. The second bill after removal from PIPP will include the amount needed to enroll in Graduate PIPP. The amount will be the PIPP default plus the Graduate PIPP amount (bill 1) plus the Graduate PIPP amount (bill 2). If the customer does not pay the offered amount to enroll in Graduate PIPP by the due date of the third bill issued, then the offer is rescinded and the offer removed from the bill and, thereafter, the customer will be billed the total account balance. If the billing system permits, the utility could continue to show an amount

owing to enroll in Graduate PIPP. The customer's time on Graduate PIPP would be reduced each month.

{¶ 84} In regard to Columbia's second and fourth requests for clarification, regarding when a Graduate PIPP customer account is in default and subject to disconnection, we clarify that Graduate PIPP customers may be in default while enrolled on Graduate PIPP, as default is defined in Ohio Adm.Code 4901:1-18-01(I), and pursuant to Ohio Adm.Code 4901:1-18-04. The accounts of Graduate PIPP customers in default, like PIPP customers, may be subject to disconnection for nonpayment consistent with the requirements of Ohio Adm.Code 4901:1-18-04 through 4901:1-18-06, just like the accounts of non-PIPP residential customers. Under the Graduate PIPP program, the customer remains subject to the same disconnection processes and procedures as are currently applicable. To be clear, the gas utility company is not prohibited from disconnecting the service of a Graduate PIPP customer, while the customer is enrolled in the program or thereafter, consistent with the provisions of Ohio Adm.Code Chapter 4901:1-18.

{¶ 85} As with prior rule review proceedings, the Commission will inform the utilities of the effective date of the rules well in advance. Further, the Commission expects that there may be additional questions and perhaps some implementation issues where revised requirements are enacted. We strongly encourage each utility to commence a compliance review immediately and to work with Staff to effectuate compliance without delay.

IV. ORDER

{¶ 86} It is, therefore,

{¶ 87} ORDERED, That the applications for rehearing be granted, in part, and denied, in part, consistent with this Second Entry on Rehearing. It is, further,

{¶ 88} ORDERED, That the attached revised amendments to Ohio Adm.Code Chapters 4901:1-17 and 4901:1-18 be adopted. It is, further,

{¶ 89} ORDERED, That the rules as adopted in the November 4, 2020 Finding and Order, as revised in this Second Entry on Rehearing, be filed with the JCARR, the Secretary of State, and the Legislative Service Commission, in accordance with R.C. 111.15. It is, further,

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

{¶ 91} ORDERED, That a copy of this Second Entry on Rehearing be served upon the Common Sense Initiative at CSIPublicComments@governor.ohio.gov. It is, further,

{¶ 92} ORDERED, That a copy of this Second Entry on Rehearing be sent to the electric, natural gas, and water listserves. It is, further,

{¶ 93} ORDERED, That a copy of this Second Entry on Rehearing be served upon all electric distribution companies, all certified CRES 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:

Jenifer French, Chair
M. Beth Trombold
Lawrence K. Friedeman
Daniel R. Conway
Dennis P. Deters

GNS/hac

*****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.

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- (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. The customer does not affirmatively consent to electronic notices by merely paying the bill electronically. The customer may withdraw consent to communicate electronically at any time.

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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.
- (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. The customer does not affirmatively consent to electronic notices by merely paying the bill electronically. The customer may withdraw consent to communicate electronically at any time.

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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 toll-free telephone number of the Ohio development services agency which the customer may call to identify the local-community action agency energy assistance provider or other community-based nonprofit organization designated by the Ohio development services agency to offer services in the customer's service area. In addition to PIPP plus, the extended payment plans are:
- (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-

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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 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.

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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.
- (D) In addition to the requirements set forth in paragraphs (B) and (C) of this rule, a PIPP plus

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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, up to a maximum of 24 payments. 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.

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- (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.

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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

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monthly basis by a public or private agency for the purpose of paying utility bills shall 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.

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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 Administrative Code.
- (D) ~~To be enrolled in graduate PIPP plus, a~~ To be eligible for 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~~ two billing cycles of the customer's ~~enrollment in graduate~~ removal from 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 months or the remaining term of the graduate PIPP program, service address, mailing address, the account

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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 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, $([\text{PIPP plus payment} + \text{budget bill amount}] \div 2)$ for the twelve billing cycles following enrollment in the program or the remaining term of the graduate PIPP 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. At the conclusion of graduate PIPP, any ~~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.
- (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 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.

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

Summary: Entry granting, in part, and denying, in part, the applications for rehearing filed on December 4, 2020, consistent with this Second Entry on Rehearing, and amends the attached rules accordingly. electronically filed by Ms. Mary E Fischer on behalf of Public Utilities Commission of Ohio