

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

ENTRY NUNC PRO TUNC

Entered in the Journal on May 19, 2021

I. SUMMARY

{¶ 1} The Commission amends its Finding and Order issued November 4, 2020, nunc pro tunc, in order to revise the status of Ohio Adm.Code 4901:1-18-08 as a no change rule and amends its Second Entry on Rehearing issued April 21, 2021, nunc pro tunc, and revises Ohio Adm.Code 4901:1-18-07, consistent with this Entry.

II. DISCUSSION

{¶ 2} 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. The January 14, 2019 Entry also scheduled a workshop for interested stakeholders. The workshop was held, as scheduled, on February 5, 2019.

{¶ 3} 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 Business Impact Analysis on June 19, 2019. Subsequently, comments and reply comments were filed by interested stakeholders.

{¶ 4} 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. Among the rules amended was Ohio Adm.Code 4901:1-18-07, Reconnection of service and Ohio Adm.Code 4901:1-18-08, Landlord-Tenant Provisions. In the attachment to the Finding and Order, the description incorrectly indicated that Ohio Adm.Code 4901:1-18-08 was an amended rule. As the Commission is not adopting any revisions to the rule or the

appendices to the rule, the attachment should have indicated that there are no changes to Ohio Adm.Code 4901:1-18-08 and the Commission hereby amends its Finding and Order, nunc pro tunc, accordingly.

{¶ 5} Further, as amended and attached to the Finding and Order, paragraph (A) of Ohio Adm.Code 4901:1-18-07 reads:

Upon payment or proof of payment of the delinquent amount as stated on the disconnection notice, or of an amount sufficient to cure the default on an extended payment plan or the percentage of income payment plan plus (PIPP plus), applicable reconnection charge, the utility company shall reconnect service that has been disconnected for nonpayment pursuant to the following provisions: ***

{¶ 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.

{¶ 7} On December 4, 2020, applications for rehearing were filed by Columbia Gas of Ohio, Inc., Duke Energy Ohio, Inc. (Duke); Ohio Partners for Affordable Energy; 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, Ohio Poverty Law Center, Pro Seniors, Inc., and Southeastern Ohio Legal Services.

{¶ 8} On December 14, 2020, memoranda contra the various applications for rehearing were filed by Duke, The East Ohio Gas Company dba Dominion Energy Ohio, and jointly by The Cleveland Electric Illuminating Company, Ohio Edison Company, and The Toledo Edison Company.

{¶ 9} By Second Entry on Rehearing issued on April 21, 2021, the Commission granted, in part, and denied, in part, the various applications for rehearing and made further

amendments to certain rules in Ohio Adm.Code Chapters 4901:1-17 and 4901:1-18. However, the Second Entry on Rehearing discussed issues raised on rehearing as to Ohio Adm.Code 4901:1-18-07 but did not make any further amendments to the rule.

{¶ 10} The Commission hereby amends its Second Entry on Rehearing nunc pro tunc to correct paragraph (A) of Ohio Adm.Code 4901:1-18-07 to read:

Upon payment or proof of payment of the delinquent amount as stated on the disconnection notice, or of an amount sufficient to cure the default on an extended payment plan or the percentage of income payment plan plus (PIPP plus), and applicable reconnection charge, the utility company shall reconnect service that has been disconnected for nonpayment pursuant to the following provisions: ***

{¶ 11} The Commission notes that there were no further amendments to Ohio Adm.Code 4901:1-18-07 and the rule should be adopted as amended, consistent with this Entry. In all other respects, the April 21, 2021 Second Entry on Rehearing stands as issued.

III. ORDER

{¶ 12} It is, therefore,

{¶ 13} ORDERED, That the Commission's Second Entry on Rehearing be revised, nunc pro tunc. It is, further,

{¶ 14} ORDERED, That the Commission's November 4, 2020 Finding and Order be revised, nunc pro tunc, and that Ohio Adm.Code 4901:1-18-08 be filed with the Joint Committee on Agency Rule Review, the Secretary of State, and the Legislative Service Commission, in accordance with R.C. 111.15, as a no change rule consistent with this Entry. It is, further,

{¶ 15} ORDERED, That Ohio Adm.Code 4901:1-18-07 be further amended, consistent with this Entry, and filed with the Joint Committee on Agency Rule Review, the

Secretary of State, and the Legislative Service Commission, in accordance with R.C. 111.15. It is, further,

{¶ 16} 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,

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

{¶ 18} ORDERED, That a copy of this Entry be served upon all electric distribution companies, all certified competitive electric service providers, certified competitive retail natural gas service suppliers, Ohio Consumers' Counsel, Ohio Development Services Agency, 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

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AMENDED

4901:1-18-07 Reconnection of service.

- (A) Upon payment or proof of payment of the delinquent amount as stated on the disconnection notice, or of an amount sufficient to cure the default on an extended payment plan or the percentage of income payment plan plus (PIPP plus), and applicable reconnection charge, the utility company shall reconnect service that has been disconnected for nonpayment pursuant to the following provisions:
- (1) For customers disconnected from service for ten business days or less, the utility company may assess a reconnection charge and shall reconnect service by the close of the following regular utility company working day. Pursuant to rule 4901:1-18-05 of the Administrative Code, the amount sufficient to cure the default for customers on extended payment plans shall include all amounts that would have been due and owing under the terms of the applicable extended payment plan, absent default, on the date that service is reconnected. Under paragraph (D)(2)(b) of rule 4901:1-18-12 of the Administrative Code, the amount sufficient to cure the default for PIPP customers includes all amounts that would have been due for any missed PIPP plus payments, but not more than the arrearage balance.
 - (2) For customers disconnected from service for more than ten business days, the utility company may treat the customers as new customers and connect service consistent with the timeframes in rules 4901:1-10-09, 4901:1-13-05 and paragraph (C) of rule 4901:1-17-04 of the Administrative Code. In addition, the utility company may assess the customer a reconnection charge in accordance with approved tariffs. Pursuant to paragraph (D)(2)(b) of rule 4901:1-18-12 of the Administrative Code, PIPP plus customers shall be required to pay any missed PIPP plus payments but not more than the arrearage balance. PIPP plus customers shall not be required to pay a deposit pursuant to rule 4901:1-18-15 of the Administrative Code.
- (B) If service is disconnected for nonpayment for no more than ten business days, to guarantee the reconnection of service the same day on which payment is rendered:
- (1) The customer must provide proof of payment, as required in paragraph (A)(1) of this rule to the utility company no later than twelve-thirty p.m.
 - (2) If the customer requests that reconnection occur after normal business hours, and such service is offered by the utility company, the utility company may require the customer to pay or agree to pay the utility company's approved tariff charges for after-hours

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reconnection. The utility company may collect this fee prior to reconnection or with the customer's next monthly billing.

- (C) The utility company shall not assess a reconnection charge unless the utility company has actually disconnected the service. The utility company may, however, assess a collection charge if the collection charge is part of the utility company's approved tariff. A collection charge shall not be assessed more than once per billing cycle.
- (D) If the utility company accepts a guarantor in order to reestablish service, it shall follow all of the requirements of paragraph (A)(5) of rule 4901:1-17-03 of the Administrative Code.
- (E) This provision addresses cases of tampering and unauthorized reconnection of services.
 - (1) When a utility company has disconnected a meter in connection with alleged tampering, or unauthorized reconnection of a gas, or electric meter, conduit, or attachment of a utility, there shall be a rebuttable presumption that the person in possession or control of the meter, conduit, or attachment at the time the tampering or reconnection occurred is the party obligated to pay for the service rendered through the meter, conduit, or attachment.
 - (2) If the responsible party does not contest the disconnection under the circumstances stated in this paragraph or paragraph (E)(3) of rule 4901:1-18-03 of the Administrative Code the company need not restore service until the party has completed each of the following:
 - (a) Given satisfactory assurance that the fraudulent or tampering act has been discontinued.
 - (b) Paid to the utility company an amount estimated by the company to be reasonable compensation for unauthorized usage obtained and not paid for at the time of disconnection.
 - (c) Paid for any damage to property of the utility company including any cost to repair the damage.
 - (d) Paid all other fees and charges authorized by tariff resulting from the fraudulent act or tampering.
 - (3) The provisions of paragraph (E)(2) of this rule do not apply in situations where the responsible party, as determined by paragraph (E)(1) of this rule, is either a tenant or consumer who no longer resides at the premises or a property owner who has taken possession of the property after the tampering or unauthorized reconnection occurred.

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- (4) In the event the responsible party was a tenant who no longer resides at the premises where the tampering took place, the utility company may deny service to that party in accordance with the provisions of paragraph (E)(2) of this rule.

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

Summary: Entry Original Filed: May 19, 2021 Refiled/Corrected to reflect the proper journal date: Entry Nunc Pro Tunc amending the Finding and Order issued November 4, 2020, nunc pro tunc, in order to revise the status of Ohio Adm.Code 4901:1-18-08 as a no change rule and amends its Second Entry on Rehearing issued April 21, 2021, nunc pro tunc, and revises Ohio Adm.Code 4901:1-18-07, consistent with this Entry. electronically filed by Ms. Mary E Fischer on behalf of Public Utilities Commission of Ohio