

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

Entered in the Journal on June 2, 2021

I. SUMMARY

{¶ 1} The Commission amends Ohio Adm.Code 4901:1-18-12, consistent with this Entry, as attached.

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, including the rules 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.

{¶ 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, including Ohio Adm.Code 4901:1-18-12, Percentage of Income Payment Plan Program Eligibility for Gas Utility Service.

{¶ 5} 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.

{¶ 6} 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.

{¶ 7} 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.

{¶ 8} 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, including Ohio Adm.Code 4901:1-18-12. Further, by Entry issued May 19, 2021, the Commission revised two rules; the first revision was to correct the status of a rule to a no-change rule and the second revision to correct the grammar in another rule.

{¶ 9} It has recently come to the Commission's attention that in the course of revising Ohio Adm.Code 4901:1-18-12(D)(3), the revisions inadvertently deleted and failed to account for the former PIPP plus customer's ability to maintain gas utility service, which is part of the current rule. In failing to account for this situation, Ohio Adm.Code 4901:1-18-12(D)(3) also fails to give the former PIPP plus customer credit for payments made to maintain gas utility service while not enrolled in the PIPP program. As such, paragraph (D)(3) of Ohio Adm.Code 4901:1-18-12 should be further amended to read as follows:

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 have been cured, up to a maximum of 24 payments. This includes missed PIPP plus payments for any months in which the customer's service was maintained while not on the program (less any payments made by the customer) or service was disconnected. 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.

{¶ 10} In all other respects the amendments to Ohio Adm.Code 4901:1-18-12 remain as reflected in the Second Entry on Rehearing issued on April 21, 2021.

III. ORDER

{¶ 11} It is, therefore,

{¶ 12} ORDERED, That Ohio Adm.Code 4901:1-18-12, be further amended consistent with this Entry, as attached. It is, further,

{¶ 13} ORDERED, That Ohio Adm.Code 4901:1-18-12 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, consistent with this Entry. It is, further,

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

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

{¶ 16} 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

4901:1-18-12 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 customer must also periodically reverify his/her eligibility.

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- (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 missed PIPP plus payments for any months in which the customer's service was maintained while not on the program (less any payments made by the customer) or 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.
- (E) Upon the customer's enrollment in PIPP plus and at reverification, the gas or natural gas utility

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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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in

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

Summary: Entry amending Ohio Adm.Code 4901:1-18-12, consistent with this Entry, as attached electronically filed by Heather A Chilcote on behalf of Public Utilities Commission of Ohio