

In the Matter of the Application of The)
Dayton Power and Light Company d/b/a/) Case No. 21-1234-EL-WVR
AES Ohio for a Limited Waiver of Rule)
4901:1-18-06(A)(2), Ohio Administrative)
Code.)

The technology of remote disconnections may work for DP&L's efficiency and profits, but it doesn't work for the lives of Ohio families who are denied a last opportunity to prevent disconnection and despair. In-person notice has traditionally provided a last chance opportunity for consumers to make payments or arrangements to avoid disconnection. The lack of in-person notice that DP&L proposes can place the health and safety of consumers at-risk. The PUCO should deny DP&L's waiver request.

II. REPLY COMMENTS

- A. To protect consumers, the PUCO should not approve DP&L's proposed waiver request to eliminate in-person notification at consumer premises before disconnecting service. There are serious flaws in DP&L's proposal and recommendations made by Staff and OCC should be adopted.**

Staff recommended that the PUCO not approve DP&L's requested waiver of the in-person notification requirements in Ohio Adm. Code 4901:1-18-06(A)(2) for several reasons.¹ First, the application proposes insufficient messaging to notify consumers about the change in disconnection practices, including the single early-notice that would be provided to at-risk consumers.² Second, DP&L's proposal to notify consumers through three calls/texts in the days before disconnection is insufficient.³ Third, DP&L should provide consumers with an additional 10-day disconnection notice year-around and not just during the winter months.⁴ Fourth, DP&L did not limit the proposed waiver request to a 2-year pilot program where data could be collected and analyzed by Staff to determine the success of the alternative methods of noticing consumers before disconnection.⁵ Fifth, Staff identified a potential violation in PUCO disconnection rules where the 14-day disconnection notices can be issued before the time when a customer account is considered delinquent.⁶ Staff recommended that the PUCO clarify that the 14-day disconnection notice should not be issued until the consumer account is delinquent.⁷

¹ Staff Initial Comments at 6.

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ *Id.* at 7.

Consistent with Staff's concerns, OCC recommended that the PUCO not approve the waiver of in-person notice requirements because of significant flaws in the DP&L proposal that can jeopardize the health and safety of consumers. These flaws include DP&L's limitation on the number of consumers that would be advance notice of the changes resulting from the installation of smart meters.⁸ Similar to the Staff, OCC argued that *all* DP&L consumers must be informed about the changes due to the installation of smart meters.⁹ OCC supports *all* consumers being informed about changes in the in-person notification requirements and remote disconnections through a separate mailing.¹⁰ Periodic bill inserts and messaging could then be used to remind consumers that in-person notices are no longer an option that is available to avoid disconnection.¹¹

OCC also commented on the inadequacy of DP&L's proposal to make notification calls to consumers beginning two-days before the disconnection date as a replacement for the in-person notification requirements.¹² Similar to Staff, OCC recommended that in addition to the 14-day disconnection notice that DP&L is required to provide consumers under PUCO rules, the phone calls or texts should be augmented with an additional disconnection notice that is mailed to consumers ten-days before the disconnection date.¹³ This notice should encourage consumers to contact the company to make payment arrangements ahead of the disconnection date. It should explain other

⁸ Comments for Consumer Protection by Advocates for Basic Legal Equality, Inc., Office of the Ohio Consumers' Counsel and the Ohio Poverty Law Center (May 27, 2022) at 7.

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.* at 8.

¹³ *Id.*

options that may be available based on medical needs or other special circumstances that would warrant suspension of the disconnection.¹⁴

While not specifically critiqued in the Staff comments, DP&L's proposal to limit the number of vulnerable consumers who would be exempt from the in-person notice waiver is inadequate.¹⁵ DP&L proposed limiting the number of vulnerable consumers who would be exempt from the waiver to only those consumers on medical certification or life support systems when there is appropriate documentation.¹⁶ But as was explained in our consumer protection comments, *all* at-risk consumers should be protected -- including household members with chronic illnesses, senior citizens, those with language barriers, others who may not fully comprehend the disconnection process, and those living in impoverished neighborhoods in DP&L's service territory.¹⁷ According to the DP&L response to INT-1-012 (*see attached*), DP&L was unwilling to describe why it would not consider such at-risk consumers. Ohio law requires protecting at-risk Ohioans,¹⁸ and the PUCO should not approve any waiver request to the in-person notice requirements without considering the impact the waiver has on at-risk populations.

¹⁴ *Id.*

¹⁵ *Id.* at 9.

¹⁶ Application at 2.

¹⁷ Comments for Consumer Protection by Advocates for Basic Legal Equality, Inc., Office of the Ohio Consumers' Counsel and the Ohio Poverty Law Center (May 27, 2022) at 9.

¹⁸ R.C. 4928.02(L).

- B. To protect consumers, Staff’s recommendation for in-person notice requirements should be approved, if at all, on a pilot program basis. Further, it should be approved only after DP&L substantially completes the installation of smart meters and only after DP&L completes the installation of its new Customer Information System.**

Staff recommended that if DP&L’s waiver request is granted, it should be on a pilot basis where metrics are provided to Staff regarding the success of each of the alternative notices in avoiding disconnection.¹⁹ First of all, the PUCO should not accept any pilot program that is less protective of consumers than current rules. In addition to the flaws of the waiver request discussed in OCC’s and Staff’s initial comments, the PUCO should not grant approval of any DP&L waiver request for in-person notice requirements until after DP&L substantially completes the installation of its smart meters and its new Customer Information System (“CIS”).

Even then, granting any waiver request should be on a pilot program basis (with limited areas and durations) where the impact of the in-person waiver on consumers can be fairly evaluated.

According to Staff, there are currently 3,600 consumers with AMI meters out of a total 495,000 consumers who are going to have AMI meters under DP&L’s Smart Grid Plan (“SGP”) Phase 1.²⁰ It would be unjust and unreasonable for the PUCO to grant a waiver now that denies 0.73 percent of DP&L consumers the protections of in-person notice when over 99 percent DP&L’s consumers continue to receive in-person notice protections. Further, the installation of smart meters will be on-going across DP&L’s service territory for several years. As was explained in the initial comments for consumer

¹⁹ Staff Comments at 6.

²⁰ Staff Comments at 3.

protection, the ease in performing remote disconnections using smart meters without in-person notice can substantially increase the numbers of consumers who are being disconnected.²¹ The PUCO should not consider the waiver to in-person notice requirements until the SGP Phase 1 AMI meter deployment is substantially completed.

DP&L is in the process of installing a new CIS system that will impact the credit and collection policies and practices of the company, including the in-person notice requirements. Once the new CIS is completed, the 14-day disconnection notice will be included on consumer bills.²² This will impact the collection timelines and will change the timing when additional notices required under the waiver are to be provided to consumers. Additionally, the ability for consumers to choose if they want to receive phone calls or text messages before the disconnection date will not exist until the new CIS is completed. Further, one of the touted advantages of smart meter remote disconnections is that electric service can be remotely reconnected within minutes after payment is made.²³ But the capability to expeditiously reconnect consumers will not even be available for consumers until the new CIS is installed.²⁴

Of more immediate interest, Staff expressed concern that both the current and proposed disconnection process and timeline may not result in consumers having adequate notice before disconnection.²⁵ This is because the 14-day notices are issued in

²¹ Comments for Consumer Protection by Advocates for Basic Legal Equality, Inc., Office of the Ohio Consumers' Counsel and the Ohio Poverty Law Center (May 27, 2022) at 5.

²² Application, p. 3.

²³ See DP&L response to INT-01-018.

²⁴ *Id.*

²⁵ Staff Comments at 5.

some cases before the consumer account actually becomes delinquent.²⁶ OCC agrees with Staff that the PUCO should clarify that disconnection notices should not be issued to consumers until the account actually becomes delinquent.²⁷ Further, the PUCO should require DP&L to file a notice when this correction in the credit and collection practices is completed.

To help protect consumers from unnecessary confusion and potential harm caused by changes in credit and collection policies and practices as AMI meters are installed and the new CIS is deployed, the PUCO should not consider any waiver of the in-person notice requirements until after the SGP Phase I is completed and the new CIS is fully deployed. DP&L should be required to provide an update of its credit and collection policies and practices in a public filing that reflects the capabilities as they exist. If the PUCO approves a waiver request at that time, the waiver should be granted on a pilot program basis as recommended by Staff and should be subject to an evaluation of the impact that the waiver has on consumers.

III. CONCLUSION

For all the reasons that are addressed in OCC's initial comments and these reply comments, the PUCO should protect consumers by finding that DP&L's proposed waiver request results in unjust and unreasonable disconnection practices and suspend the waiver request indefinitely.

²⁶ *Id.*

²⁷ *Id.* at 6.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of these Reply Comments was served on the persons stated below via electronic transmission, this 10th day of June 2022.

/s/ William J. Michael
William J. Michael
Assistant Consumers' Counsel

The PUCO's e-filing system will electronically serve notice of the filing of this document on the following parties:

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INT-01-012. Please explain the rationale for not including within the waiver a designation for at-risk customers with chronic illness, senior citizens, customers with language barriers, low-income and other demographics within the AES Ohio service territory as “critical” customers for avoiding remote disconnections.

RESPONSE: General Objections Nos. 1 (not relevant), 3 (privileged and work product), 6 (calls for narrative answer), 13 (mischaracterization). AES Ohio further objects because it does not propose to change its designation or treatment of “critical” customers in this proceeding. AES Ohio further objects because this request seeks information that is privileged and protected work product.

INT-01-018. How long do customers who are remotely disconnected have to wait to have services remotely reconnected after the delinquent charges are paid?

RESPONSE: General Objections Nos. 2 (unduly burdensome), 6 (calls for narrative answer), 9 (vague or undefined), 12 (seeks information that AES Ohio does not know at this time), 13 (mischaracterization). Subject to and without waiving these or any other objections, AES Ohio states that it anticipates that once the requisite programs and systems reflected in Exhibit 1 to the Stipulation and Recommendation in Case No. 18-1875-EL-GRD, et al. and the Company's CIS are fully deployed and functioning, a customer would be restored within minutes, under normal operating conditions, once that customer pays to restore service online or by phone. Wait times for other payment methods may vary.

Answered by Jason Dorsey

**This foregoing document was electronically filed with the Public Utilities
Commission of Ohio Docketing Information System on**

6/10/2022 5:05:41 PM

in

Case No(s). 21-1234-EL-WVR

Summary: Comments Reply Comments by Office of the Ohio Consumers' Counsel
electronically filed by Mrs. Tracy J. Greene on behalf of Michael, William J.