

file

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

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DOCKETING DIVISION
PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application)
of Columbia Gas of Ohio, Inc. to)
Revise its Interim, Emergency) Case No. 89-171-GE-PIP
and Temporary PIP Plan Tariff)
Schedule Rider)

In the Matter of the Investigation)
into Long-term Solutions Concerning)
Disconnection of Gas and Electric) Case No. 83-303-GE-COI
Service in Winter Emergencies.)

In the Matter of the Establishment)
of an Appropriate Recovery Method)
for Percentage of Income Payment) Case No. ~~87-244-GE-UNC~~
Plan Arrearages.)

In the Matter of the Review of)
the Interim Emergency and)
Temporary PIP Plan Riders)
Contained in the Approved Rate) Case No. 88-1115-GE-PIP
Schedules of Electric and Gas)
Companies.)

In the Matter of the Application)
of Ohio Edison Company for)
Authority to File Proposed) Case No. 89-22-EL-PIP
Sheet No. 54)

In the Matter of the Application)
of Columbus Southern Power Company)
for Approval of a Revision to its) Case No. 89-134-EL-PIP
Interim Emergency and Temporary)
Rider for Recovery of PIP Plan)
Arrearages.)

In the Matter of the Application)
of the East Ohio Gas Company for)
Authority to File Proposed Second) Case No. 89-165-GA-PIP
Revised Sheet No. L 1)

In the Matter of the Application of)
West Ohio Gas Company for Authority)
to File Proposed Second Revised) Case No. 89-166-GA-PIP
Sheet No. 1 of Supplement No. 6)

In the Matter of the Application of the River Gas Company for Authority to File Proposed Second Revised Sheet No. M 1))))	Case No. 89-167-GA-PIP
In the Matter of the Application of the Dayton Power and Light Company for Authority to Revise Its Interim Emergency and Temporary PIP Plan Tariff Schedule Rider)))))	Case No. 89-168-GA-PIP
In the Matter of the Application of the Dayton Power and Light Company for Authority to Revise Its Interim, Emergency and Temporary (PIP) Plan Tariff Schedule Rider)))))	Case No. 89-169-EL-PIP
In the Matter of the Application of Ohio Power Company for Approval of a Revision to its Interim Emergency and Temporary Rider for Recovery of Percentage of Income Payment Plan (P.I.P.) Arrearages)))))))	Case No. 89-192-EL-PIP
In the Matter of the Application of Ohio Valley Gas Corporation for an Original Interim Emergency and Temporary Tariff Schedule PIP Plan Rider.)))))	Case No. 89-329-GA-PIP

OCC'S MOTION TO SEVER
AND MOTION FOR A CLARIFYING ORDER
AND MEMORANDUM IN SUPPORT
AND
MEMORANDUM CONTRA THE REVISED
APPLICATION AND STATEMENT OF
COLUMBIA GAS OF OHIO, INC.

Fursuant to the Commission's Orders in Cases No. 87-244-GE-UNC and 88-1115-GE-PIP, Columbia Gas of Ohio (Columbia) filed on March 3, 1989 in Case No. 89-171-GE-PIP, a "Revised Application for Adjustments to the Interim, Emergency and Temporary PIP Plan Tariff Schedule Rider". In its Revised

Application, the Applicant seeks not only an upward adjustment to recover PIP arrearages 12 months old and older, but also seeks a new unprecedented procedure to amortize arrearages less than 12 months old.

The Office of the Consumers' Counsel (OCC), having been granted intervention in Case No. 87-244-GE-UNC and having moved to intervene in each of the other cases set forth above, moves this Honorable Commission to sever the issue of recovery of PIP arrearages less than 12 months old from Case No. 89-171-GE-PIP and to direct that it be addressed within the proceedings of Case No. 88-1115-GE-PIP. OCC further moves this Honorable Commission for a clarifying Order that all separately filed PIP rider cases be limited in scope to adjusting the amount of existing riders, (or establishing new riders,) in conformity with existing criteria, so as to recover only such PIP arrearages as have been eligible for recovery under previous Commission orders; and that all other arguments concerning revisions, modifications, replacements, additions, deletions, etc., to the PIP recovery plan itself be considered only in the context of Case No. 88-1115-GE-PIP.

Respectfully submitted,

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MEMORANDUM

Columbia's effort to recover arrearages less than 12 months old is most inappropriate for the proceedings in Case No. 89-171-GE-PIP. The Commission has addressed this issue in the past, and has specifically ordered that the PIP rider recover only arrearages 12 months old and older when it stated the following:

The purpose of the existing twelve months waiting period is to remove seasonal fluctuations in the level of arrearages and to give PIP plan customers the chance to reduce their arrearages during the non-winter period. ****

The Commission believes that the retention of the existing waiting period is important because it gives the PIP plan customers an opportunity to reduce their arrearages during the summer months before the arrearages are passed onto other customers.

In the Matter of the Establishment of an Appropriate Recovery Method for Percentage of Income Payment Plan Arrearages, Case No. 87-244-GE-UNC, Opinion and Order at 6.

In light of the above-stated policy of the Commission, Columbia's effort to recover for arrearages less than twelve months old is much more than a simple adjustment to its PIP rider. It is a request upon the Commission to modify the elements of the PIP recovery mechanism.

There are many reasons why such a request is inappropriate in the context of Case No. 89-171-GE-PIP. OCC expects that it is sufficient to point out at this juncture that Columbia has simply missed the gist of the Commission's previous entries as discussed below.

In its entry of December 15, 1988, the Commission directed that separate cases, such as Case No. 89-171-GE-PIP, be filed for the purpose of adjusting or establishing PIP riders, when it said as follows:

The approved Staff review of utility PIP plans is to include evaluating accounting methods, determining reconciliation adjustments, revising the Interim Emergency and Temporary Tariff schedule Riders to reflect arrearages twelve months aged or older, and to establish an Interim Emergency and Temporary Tariff Schedule Rider in the absence of one.

In the Matter of the Review of the Interim Emergency and Temporary PIP Plan Riders Contained in the Approved Rate Schedules of Electric and Gas Companies, Case No. 88-1115-GE-PIP, Entry (December 15, 1988) at 1.

The Commission further stated as follows:

A utility wishing to establish or revise an Interim and Temporary PIP Plan Tariff Schedule Rider should comply with the requirements of No. 10 of Attachment 1 to this Entry.

Id.

Said Attachment 1 speaks in terms of *** arrearages which are eligible for recovery ****." Id. attach. 1 at 2.

Furthermore, the Commission's intention to separately review the PIP recovery plan, and the prospects for legislation or other long term solutions, was indicated in another entry, when it stated as follows:

By July 1, 1990, the Commission intends to have again reviewed these issues to determine if long-term solutions can be implemented which would supplant the interim and temporary PIP plan.

Case No. 88-1115-GE-PIP, Entry (February 2, 1989).

The effort of Columbia to pursue this novel recovery of arrearages less than 12 months old opens up all of the policy questions of the PIP recovery plan and its appropriate elements. Here in the context of the nine other dockets pending for nine other utility gas and electric services, as well as Case No. 88-1115-GE-PIP, supra, the stage is set for "Brief-a-Mania '89", that is to say, at least eleven separate repetitive litigations concerning the same major policy issues regarding the PIP recovery plan.

By way of context for this Motion, OCC points out that it has consistently urged rate case treatment of PIP arrearages, and still believes such to be most appropriate. However, in an attempt to conform with the apparent intention of the Commission to address the policy issues regarding PIP recovery within the context of Case No. 88-1115-GE-PIP, supra, OCC is not presently filing a motion to consolidate the Columbia matter sub judice with the Applicant's consolidated rate case (currently pending under docket numbers 88-716-GA-AIR,

88-717-GA-AIR, 88-718-GA-AIR, 88-719-GA-AIR, 88-720-GA-AIR and 88-1011-GA-CMR), although such would be an appropriate narrowing response to this attempt of Columbia to broaden PIP recovery.

Furthermore, pursuant to Ohio Rev. Code §4905.26, the Commission is required to schedule hearings, issue notifications and publish notices relative to this issue of recovering arrearages less than 12 months old. The most appropriate vehicle for such hearings is the currently-pending Case No. 88-1115-GE-PIP.

There is no better time for a clarifying order from this Honorable Commission limiting the scope of the individual PIP rider adjustment dockets to revising the amount of the rider to recover only such arrearages as have been eligible under prior orders of the Commission, and directing all arguments, as to the modification, revision, replacement, supplementation, philosophy, theology, etc., of the PIP recovery plan, to be presented in Case No. 88-1115-GE-PIP.

WHEREFORE OCC moves this Honorable Commission to sever the above-referenced issue from Case No. 89-171-GE-PIP, direct it to be considered in Docket No. 88-1115-GE-PIP, and to issue a clarifying order in all of the above-captioned cases as outlined above.

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CERTIFICATE OF SERVICE

I hereby certify that copies of OCC's Motion to Sever and Memorandum in Support and Memorandum Contra the Revised Application and Statement of Columbia Gas of Ohio, Inc., have been served by first class mail, postage prepaid, or hand delivered to the following parties of record this 24th day of March, 1989.


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