

**Ohio Development Services Agency
Proposed Percentage of Income Payment Plan (PIPP) Plus
Rule Changes Summary
November 2020**

Summary of Changes:

122:5-3-01

Definition Changes:

NN: Added “was first” enrolled in PIPP plus to indicate that is when the anniversary date should be determined.

Added definition OO: OO “Removed for non-payment” If the customer has not made 3 or more consecutive payments, the electric distribution utility will issue a notice on the customer's bill, and the customer will have one billing cycle after the date of the notice to pay past due monthly PIPP plus installment amounts. If such amounts are not timely paid, the electric distribution utility will drop the customer from the PIPP plus program, and such customer will cease to be an active PIPP plus customer.

122:5-3-02

(a) After being dropped, a customer is only responsible for missed PIPP plus (up to their arrearage, less any payments made) payments while active on PIPP and for any months while not active but service is maintained. They no longer are required to pay current usage.

(b) If a dropped customer is disconnected, the same rule as above applies, they do not have to pay for the months they did not have service.

(c) Added language to clarify to remain eligible the customer must not only be current by their anniversary date but also make payments on time and in full.

Added (i): If the customer has not made 3 or more consecutive payments, the electric distribution utility will issue a notice on the customer's bill, and the customer will have one billing cycle after the date of the notice to pay past due monthly PIPP plus installment amounts. If such amounts are not timely paid, the electric distribution utility will drop the customer from the PIPP plus program, and such customer will cease to be an active PIPP plus customer.

(ii): Added language that clarified being not current by anniversary date means they missed 1-2 payments or have made partial payments.

122:5-03-03

(C)(1): Ensured re-enrollment language matched 122:5-3-01

122:5-3-04

(A)(1) Changed PIPP plus installment amount from 6% to 5%

(A)(5)(a): Changed graduate PIPP from 12 months to 14 months

122:5-3-06 Removed aggregation reference

Chapter 122:5-3 Percentage of Income Payment Plan (PIPP) Program

122:5-3-01 Definitions.

Defined terms used in this chapter are as follows:

(A) "Account default" means a PIPP plus customer's failure to pay monthly PIPP plus installment amounts causing the PIPP plus customer's electric service to be subject to disconnection by a utility for nonpayment or actually disconnected for nonpayment.

(B) "Accrued arrearage" means for each PIPP plus customer that customer's total bill balance, less the current bill amount, owed to the electric distribution utility then providing electric service to such customer.

(C) "Active PIPP plus customer" means a customer who is both currently enrolled in PIPP plus and currently using utility service from the electric distribution utility receiving payments from the fund for such customer.

(D) "Annual energy assistance guidelines" means the operating guidelines written by the office of community assistance and published annually to provide information to staff of the office of community assistance and local agencies and to the public about the operation of low-income customer assistance programs.

(E) "Annual HWAP plan" means for each program year for the home weatherization assistance program, the home weatherization assistance state plan submitted by the director to the United States department of energy, as such plan may be amended.

(F) "Annual LIHEAP plan" means for each program year for the home energy assistance program, the low-income home energy assistance program federal fiscal year state plan for the state of Ohio submitted by the director to the United States department of health and human services, as such plan may be amended.

(G) "Arrearage credit amount" means an amount calculated for each PIPP plus customer as described in paragraph (B)(3) of rule [122:5-3-04](#) of the Administrative Code.

(H) "Business day" means any day that is not a Saturday or a Sunday and not a day on which governmental offices of the state of Ohio or banks in the state of Ohio are required or permitted to be closed .

(I) "Commission" means the public utilities commission of Ohio.

(J) "Current bill balance" means for each monthly billing cycle for a PIPP plus customer, the difference between such customer's monthly PIPP plus installment amount and the actual amount billed for electric service for the billing cycle.

(K) "Customer" means any person who enters into an agreement to purchase residential electric service by contract and/or tariff from an electric distribution utility or from a municipal electric utility or electric cooperative that participates in the low-income customer assistance programs.

(L) "Customer arrearages" means for each PIPP plus customer, such customer's current bill balance, plus the customer's accrued arrearage at the time the customer enrolls in the PIPP plus program, but does not include past due monthly PIPP plus installments.

(M) "Customer payment" means, for purposes of these rules and arrearage crediting, a payment of a monthly PIPP plus installment made from the customer's financial resources or paid by a third-party on the customer's behalf, excluding federal funds administered by the office of community assistance .

(N) "Director" means the director of the Ohio development services agency and also includes such other officers or employees of the Ohio development services agency who may act for or in the place of the director under this chapter pursuant to rule [122:5-3-09](#) of the Administrative Code.

(O) "Electrically heated residence" means a residence for which the primary source of heating is an electric appliance such as an electric furnace, heat pump or electric baseboard heater.

(P) "Electric baseload residence" means a residence for which electricity is not the primary source of heating.

(Q) "Electric cooperative" means, as defined in division (A)(5) of section [4928.01](#) of the Revised Code, a nonprofit electric light company that both is or has been financed in whole or in part under the "Rural Electrification Act of 1936," 49 stat. 1363, 7 U.S.C. 901, and owns or operates facilities in the state of Ohio to generate, transmit, or distribute electricity, or a nonprofit successor of such company.

(R) "Electric distribution utility" means, as defined in division (A)(6) of section [4928.01](#) of the Revised Code, an electric utility that supplies at least retail electric distribution service.

(S) "Electric partnership program policies and procedures" means the policies and procedures developed, maintained, and published from time to time by the office of community assistance for electric partnership program service providers.

(T) "Electric services company" means, as defined in division (A)(9) of section [4928.01](#) of the Revised Code, an electric light company that is engaged on a for-profit or nonprofit basis in the business of supplying or arranging for the supply of only a competitive retail electric service in Ohio. "Electric services company" includes a power marketer, power broker, aggregator, or independent power producer but excludes an electric cooperative, municipal electric utility, governmental aggregator, or billing and collection agent.

(U) "Electric utility" means, as defined in division (A)(11) of section [4928.01](#) of the Revised Code, an electric light company that has a certified territory and is engaged on a for-profit basis in the business of supplying a noncompetitive retail electric service in Ohio or in the businesses of supplying both a noncompetitive and a competitive retail electric service in Ohio. "Electric utility" excludes a municipal electric utility or a billing and collection agent.

(V) "Eligible customer" means a customer who satisfies the eligibility criteria set forth in rule [122:5-3-02](#) of the Administrative Code.

(W) "Energy efficiency and weatherization services" means those services coordinated by the office of community assistance through its energy efficiency and weatherization programs targeted, but not provided exclusively, to high-cost, high-volume use structures occupied by eligible customers with the goal of reducing the energy bills of such customers.

(X) "Federal poverty guidelines" means the poverty guidelines updated periodically in the Federal Register by the United States department of health and human services under the authority of 42 U.S.C. 9902(2).

(Y) "Former percentage of income payment plan customer" (former PIPP plus customer) means a customer who (1) remains within the service territory of the electric distribution utility that provided electric service to the customer while participating in the PIPP plus program, (2) either elects to terminate participation in the PIPP plus program or is no longer eligible to participate in the PIPP plus program as a result of an increase in the household income or change in the household size, and (3) is not enrolled in the graduate PIPP plus or post-PIPP plus payment programs provided in accordance with paragraph (B)(5) of rule [122:5-3-04](#) of the Administrative Code.

(Z) "Fraudulent Enrollment" means the PIPP plus applicant knowingly conceals income or household composition information for any household member in order to be eligible for the program or to obtain a lower PIPP plus installment.

(AA) "Fund" means the universal service fund established by division (A) of section [4928.51](#) of the Revised Code.

(BB) "Graduate percentage of income payment plan customer" (graduate PIPP plus customer) means a customer who (1) continues to receive electric service from the electric distribution utility that provided service to the customer while participating in the PIPP plus program, and (2) was previously enrolled in a percentage of income payment plan .

(CC) "Household income" means the total gross income before taxes of all household members except earned income of dependent minors under eighteen years old, any income expressly excluded under federal rules for the administration of the home energy assistance program, and any income otherwise expressly excluded by the director as provided in paragraph (B) of rule [122:5-3-02](#) of the Administrative Code. Gross household income includes, but is not limited to, wages, interest, dividends, annuities, and pensions. Sources of income excluded from "household income" shall be those sources of income identified as excluded by the director annually as part of the annual LIHEAP plan and published in the annual energy assistance guidelines.

(DD) "Inactive PIPP plus customer" means a customer who is not currently enrolled in the PIPP plus program, the graduate PIPP plus payment program, or the post-PIPP plus payment program and such customer has a PIPP arrearage balance greater than zero dollars.

(EE) "Local agency" means a community action agency or other local service provider designated by the director to assist with the administration of low-income customer assistance programs at the local level.

(FF) "Low-income customer assistance programs" means the PIPP plus program, the home energy assistance program, the home weatherization assistance program, the electric partnership program (formerly known as the targeted energy efficiency and weatherization program) and such other programs as may be developed by the director as permitted or required by law.

(GG) "Monthly PIPP plus installment amount" means for each PIPP plus customer the amount of such customer's household income to be paid each month for electric service as determined in accordance with paragraph (A) of rule [122:5-3-04](#) of the Administrative Code.

(HH) "Municipal electric utility" means, as defined in division (A)(20) of section [4928.01](#) of the Revised Code, a municipal corporation that owns or operates facilities to generate, transmit, or distribute electricity.

(II) "Office of community assistance" means the office within the Ohio development services agency designated as the agency to receive federal funding from United States departments of health and human services and energy for home energy assistance and home weatherization assistance, respectively.

(JJ) "Non-compliance" means anyone who fails to provide accurate, full and complete information as required by the program in order to determine eligibility requirements or is not qualified for benefits they are currently receiving under the program.

(KK) "On-time payment" means, for purposes of these rules and arrearage crediting, a PIPP plus installment received by the electric distribution utility prior to the date that the next bill for electric service is issued.

(LL) "Operational policies and procedures" means the policies and procedures adopted by the director to further implement the PIPP plus program in accordance with Section [4928.53](#) of the Revised Code and the rules set forth in this chapter of the Administrative Code.

(MM) "Percentage of income payment plan plus program," or "PIPP Plus program," means the program administered by the director in accordance with section [4928.53](#) of the Revised Code and the rules set forth in this chapter of the Administrative Code allowing eligible customers to pay a percentage of household income in lieu of the actual bill for residential electric service. For purposes of marketing the PIPP plus program to eligible customers, the director may assign a distinct program name or title to the PIPP plus program.

(NN) "PIPP Plus anniversary date" means the calendar date by which the PIPP plus customer must be current on his/her income based PIPP plus payments to continue participation in PIPP plus for the subsequent twelve months. It is also the date by which the PIPP plus customer's arrearage credit amount will be reviewed and may be recalculated. The PIPP plus anniversary date shall be at or about twelve months from when the customer ~~is~~ was first enrolled in PIPP plus.

OO "Removed for non-payment" If the customer has not made 3 or more consecutive payments, the electric distribution utility will issue a notice on the customer's bill, and the customer will have one billing cycle after the date of the notice to pay past due monthly PIPP plus installment amounts. If such amounts are not timely paid, the electric distribution utility will drop the customer from the PIPP plus program, and such customer will cease to be an active PIPP plus customer

(~~POO~~) "PIPP Plus annual verification date" means the calendar date at or about twelve months from the PIPP plus customer's most recent re-verification date.

(~~QPP~~) "PIPP Plus customer" means a customer who participates in the percentage of income payment plan program.

(~~RRQ~~) "PIPP Plus re-verification date" means the actual date on which the PIPP plus customer documented his or her household income and household size to continue in the PIPP plus program or the PIPP plus graduate program.

(~~SSR~~) "Post-percentage of income payment plan customer" (post-PIPP plus customer) means a customer who (1) no longer has electric service from the electric distribution utility that provided service to the customer while participating in the PIPP plus program, (2) was previously enrolled in a percentage of income payment plan, and (3) is enrolled in the transitional phase of the PIPP plus program provided in accordance with paragraph (B)(5)(c) of rule [122:5-3-04](#) of the Administrative Code.

(~~TTSS~~) "Universal service rider" means the rider on retail electric distribution service rates authorized by section [4928.52](#) of the Revised Code and established from time to time by petition of the director to the commission as provided therein.

(~~UUT~~) "Weatherization program standards" means the standards developed, maintained, and published from time to time by the office of community assistance which relate to the installation of weatherization materials and energy efficiency products, services and measures and to performance evaluation of such materials, services, and measures.

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Promulgated Under: [119.03](#)

Statutory Authority: [4928.53](#)

Rule Amplifies: [4928.51](#) to [4928.57](#)

Prior Effective Dates: 9/1/00, 11/1/10

[122:5-3-02 Criteria for customer eligibility.](#)

(A) Customer of a participating utility. An individual must be a residential customer of an electric distribution utility or a participating electric cooperative or municipal electric company to participate in the PIPP plus program.

(B) Household income

(1) Compared to federal poverty guidelines. Any customer whose annual household income is one hundred fifty per cent or less than the federal poverty guideline for the corresponding household size shall be eligible to participate in the PIPP plus program. A customer will be considered to meet the income eligibility requirement if the customer's documented household income for the thirty days prior to enrollment, if annualized, is one hundred fifty per cent or less than the federal poverty guideline for the corresponding household size, provided, however, if the customer's actual household income for the thirty days prior to enrollment is not reflective of their

annual income, documentation of their annual household income is required. The customer will be considered to meet the income eligibility requirement if the documented annual household income is one hundred fifty per cent or less than the federal poverty guideline for the corresponding household size.

(2) Sources of income. For purposes of determining eligibility for low-income customer assistance programs, "household income" includes all sources of income except sources of income expressly excluded. The director shall review sources of income annually and publish specific exclusions from household income as part of the annual LIHEAP plan. After such public hearings as required by federal law for the annual LIHEAP plan, the director shall publish exclusions from household income in the annual energy assistance guidelines, which the director shall make available through various publication channels throughout the state, including at local agencies, by request to the office of community assistance and by publication on the development services agency website. To assist local agencies and potential PIPP plus customers, the director may also compile and publish with the exclusions a non-exhaustive list of items included in the determination of household income.

(C) Commitment to participate in a payment plan program. Any customer who enrolls in the PIPP plus program must be willing to participate actively in the program and contribute in a meaningful way to the cost of their electric service. A customer will satisfy this eligibility requirement by paying a monthly PIPP plus installment calculated as provided in these rules, but not less than ten dollars. Any overpayment of PIPP plus or Graduate PIPP plus payments shall be applied to future PIPP plus or graduate PIPP plus payments once any default balance has been paid.

(D) Participation in other energy assistance programs. Any customer enrolling in the PIPP plus program shall also apply to participate in any other energy assistance program for which such customer may be eligible for those programs that do not require a payment from the PIPP plus customer. If a customer is determined to be eligible for energy assistance through other programs, then as condition of continuing eligibility for the PIPP plus program such customer shall actively participate in any such energy assistance programs that do not require payment from the customer as a condition for participation.

(E) Participation in energy efficiency and weatherization programs. Any PIPP plus customer who is the owner of a residence for which energy efficiency and weatherization services are offered by the director shall be required to accept such services as a condition for continuing eligibility for the PIPP plus program for those services that do not require a payment from the PIPP plus customer. If a customer fails to actively participate in any such energy assistance programs that do not require payment from a customer as a condition for participation, the director may give thirty days prior written notice of termination of the customer's continued participation in the PIPP plus program. If a PIPP plus customer resides in a rental property and energy efficiency and weatherization services are offered by the director for such rental property, such PIPP plus customer shall be required to accept such services as a condition for continuing eligibility for the PIPP plus program unless the residence owner refuses consent for energy efficiency and weatherization services. Department-authorized service providers that perform energy efficiency and weatherization services will solicit consent from rental property owners as further described in paragraph (C) of rule [122:5-3-08](#) of the Administrative Code. A PIPP plus customer shall not be required to accept energy efficiency and weatherization services that require payment by the customer. The obligation of a PIPP plus customer to accept energy efficiency and weatherization services as provided in this rule shall continue as long as the PIPP plus customer continues to participate in the PIPP plus program.

(F) Payment reminders. The director, through the office of community assistance, a local agency, or other agent or contractor, may (but shall not be required to) send reminders to PIPP plus customers in advance of bill due dates to make on-time payments, and receipt of any such payment reminders that may be given shall be considered a condition for participation in the PIPP plus program. Payment reminders may be given by telephone, mail, electronic mail or any other communications method selected by the director. The director will not send past due notices to PIPP plus customers nor take any action on behalf of utilities to collect past due amounts.

(G) Participation in consumer education programs encouraged. PIPP plus customers shall be encouraged by the office of community assistance and local agencies to participate in any consumer education programs, including programs about energy conservation and demand reduction, made available to customers at their local agencies, readily accessible in their local communities, or offered locally by their electric distribution utility.

(H) Eligibility following account default or disconnection by a utility.

(1) Account default.

(a) A PIPP plus customer who has ceased to be an active PIPP plus customer as a result of being dropped from the PIPP plus, shall be ineligible to participate in the PIPP plus program until such customer pays any past due monthly PIPP plus installment amounts while active on PIPP plus and for any months while not active, but service was maintained up to the customer arrearage and less any payments made by the customer as a condition to re-enroll in the PIPP plus program. Any remaining usage charges incurred while the customer was not enrolled in PIPP plus (less payments made) will be rolled into the customers arrearage. This rule is not intended and should not be interpreted to prevent any customer from taking advantage of any commission rule or order otherwise available to the customer to maintain or reconnect electric service by paying less than the delinquent amounts and reconnect charges.

(b) If the customer is dropped from PIPP and subsequently disconnected from service in order to reenroll in PIPP plus the customer must pay any missed PIPP plus installments while active on PIPP plus and for any months while not active but service was maintained up to the customers arrearage and less any payments made by the customer. For months not a customer of the utility provider, the customer is not responsible to make a payment.

(c) To be eligible to continue in the PIPP plus program for the subsequent twelve months, the PIPP plus customer must be current on his/her PIPP plus installment on his/her anniversary date and make PIPP plus payments on time and in full each month.-

(i) If the customer has not made 3 or more consecutive payments, the electric distribution utility will issue a notice on the customer's bill, and the customer will have one billing cycle after the date of the notice to pay past due monthly PIPP plus installment amounts. If such amounts are not timely paid, the electric distribution utility will drop the customer from the PIPP plus program, and such customer will cease to be an active PIPP plus customer.

(ii) If the customer is not current on his/her anniversary date, (they have missed 1-2 payments or have made partial payments) the electric distribution utility will issue a notice on the customer's bill, and the customer will have one billing cycle after the date of the notice to pay past due monthly PIPP plus installment amounts. If such amounts are not timely paid, the electric distribution utility will drop the customer from the PIPP plus program, and such customer will cease to be an active PIPP plus customer.

(2) Disconnection for fraud, tampering, or theft. If a utility disconnects electric service to the residence of a PIPP plus customer as permitted by commission rules due to any fraudulent act to obtain service, tampering, or theft of service by the customer or any consumer who is a member of the customer's household, the customer shall cease to be eligible to participate in the PIPP plus program, for that utility, while such fraud, tampering, or theft continues and until the customer completes the actions required to reconnect service as provided in applicable commission rules. No charges for electric service accrued during any period that the customer is ineligible to participate in the PIPP plus program pursuant to this rule and none of the costs described in paragraph (E)(3) of rule [4901:1-18-03](#) of the Administrative Code or any other commission rule providing for reconnection of service following disconnection for fraud, tampering, or theft shall be charged to or paid from the fund. This rule is not intended and should not be interpreted as creating new or different standards or procedures for utility response to fraud, tampering, or theft or as involving the development services agency in any determination that any fraudulent act to obtain service, tampering, or theft of service has occurred. This rule addresses only the effect of fraudulent acts to obtain service, tampering, and theft, as those acts may be defined by commission rules, on eligibility to participate in the PIPP plus program and reflects that households that participate in fraudulent acts to obtain service, tampering, or theft of service should not benefit from ratepayer funded assistance until corrective action as prescribed by applicable commission rules, if any, has been completed.

(l) Removal from PIPP plus for fraudulent enrollment. In the event that there is an allegation of fraudulent enrollment regarding a PIPP plus applicant, the director, through the office of community assistance, may investigate such allegation. In the event the director finds that a PIPP plus applicant is enrolled in the PIPP plus program or continues to participate in the PIPP plus program as a result of fraudulent enrollment, the director shall terminate such applicant's enrollment in the PIPP plus program with immediate effect, demand that the

applicant make restitution of all payments made from the fund for the benefit of such applicant during the period the applicant was fraudulently enrolled in the PIPP plus program, and reverse any arrearage credits received by such applicant during the period that the applicant was fraudulently enrolled in the PIPP plus program. In addition, any such applicant found to have fraudulently enrolled in the PIPP plus program shall be ineligible to participate in the PIPP plus program for twenty-four months and until any demand for restitution is satisfied.

(J) Removal from PIPP plus or modification of benefits for non-compliance. In the event that there is an allegation of non-compliance regarding a PIPP plus applicant, the director, through the office of community assistance, may investigate such allegation. In the event the director finds that a PIPP plus applicant is enrolled in the PIPP plus program or continues to participate in the PIPP plus program as a result of non-compliance, the director may modify benefits the applicant receives, or terminate such applicant's enrollment in the PIPP plus program with immediate effect, demand that the applicant make restitution of all payments made from the fund for the benefit of such applicant, and reverse any arrearage credits received by the applicant during the period that the applicant was non-complaint in the PIPP plus program. Any such applicant terminated for non-compliance in the PIPP plus program shall be ineligible to participate in the PIPP plus program for twenty-four months and until any demand for restitution is satisfied.

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122:5-3-03 Procedures for verifying customer eligibility.

(A) One-stop application and eligibility determination process.

(1) Local agency. To the extent practicable, the director shall maintain a one-stop application and eligibility determination process for customers administered by the office of community assistance . Applications may be accepted by the office of community assistance and, at the local level, by a local agency. The eligibility determination process shall include periodic verification of continuing eligibility to participate in the PIPP plus program. The office of community assistance and local agencies designated by the director to accept applications for the PIPP plus program shall collect information from customers in the form required by the director from time to time. The director may also require such local agencies to use such computer programs and web-based applications as the director may provide in connection with the administration of the PIPP plus program.

(2) Referrals. All requests by customers to participate in the PIPP plus program shall be referred for eligibility determination to the office of community assistance or a local agency designated by the director to accept applications for the PIPP plus program. The director shall provide information about the referral process to electric distribution utilities and to the commission. The director shall also make reasonable efforts to make referral information generally available to the public, including by publication on the development services agency website. Customers may not be enrolled in the PIPP plus program directly by utility companies. The requirement that utilities refer customers to the office of community assistance or a local agency for PIPP plus enrollment is not intended and should not be interpreted to impose on electric distribution utilities different or additional requirements for establishing customer accounts for electric service or for processing service transfers (changes of service address within the utility's service territory) for PIPP plus customers. Consistent with the commission rule set forth in paragraph (A) of rule [4901:1-18-15](#) of the Administrative Code (or any successor rule of substantially the same effect), a PIPP plus customer who is current on his/her payment of monthly PIPP plus installment amounts shall not be denied a transfer of service to a new address based solely on the customer's accrued arrearages. PIPP plus customers relocating within the service territory of an electric distribution utility are not required to re-enroll or re-verify eligibility to participate in the PIPP plus program as a condition for transferring electric service.

(B) Eligibility determination.

(1) Application. The director shall identify the customer-level information necessary and useful for purposes of determining customer eligibility and administering customer participation in the PIPP plus program. As provided for in rule [122:5-3-07](#) of the Administrative Code, the director shall prepare a form of application, which may be a single combined application for all low-income customer assistance plans. The director shall make applications for the PIPP plus program available to customers at various locations and through various publication channels throughout the state, including at local agencies, by request to the office of community assistance and by publication on the development services agency website. The application form may be updated from time to time by the director.

(2) Submission of applications. Applications for the PIPP plus program may be submitted by customers to local agencies designated by the director to accept such applications or by mail to the office of community assistance.

(3) Income verification. Income eligibility determinations shall be made based upon income information provided by an applicant and reviewed using the same income verification procedures employed by the director for the home energy assistance program. The director shall review the verification procedures annually and shall publish such procedures in the annual energy assistance guidelines. The director shall provide copies of the annual energy assistance guidelines to the local agencies and shall make the guidelines available to the public, including by publication on the development services agency website.

(4) Notice of eligibility. The office of community assistance or the local agency, whichever accepts a customer application to participate in the PIPP plus program, shall notify such applicant in writing of the eligibility determination and, if the applicant is determined to be eligible, such customer's monthly PIPP plus installment amount. If a customer is determined not to be eligible to participate in the PIPP plus program, the office of community assistance or the local agency shall include in the notice a reasonably detailed description of the reason for that determination. The office of community assistance shall notify electric distribution utilities about eligibility determinations through electronic data transfers made each business day. Electric distribution utilities shall update customer records promptly to reflect customer enrollment information and return to the office of community assistance an electronic file confirming that customer account records have been updated to reflect enrollment and/or noting any exceptions for PIPP plus account files that could not be processed or reconciled with customer account records and specifying for each exception the proper exception code from the list of exception codes provided by the office of community assistance. Electric distribution utilities will work with the office of community assistance to resolve any exceptions, including the correction of any error in the customer information. Electric distribution utilities shall not unilaterally change a customer's monthly PIPP plus installment amount from the amount provided in the office of community assistance electronic data transfer. Electric distribution utilities are not required to send PIPP plus customers separate written notices of PIPP plus enrollment or monthly PIPP plus installment amounts following enrollment, but electric distribution utilities shall reflect a PIPP plus customer's monthly PIPP plus installment amount on such customer's bills as required by applicable commission rules.

(5) Request for reconsideration. Any customer who disputes his/her eligibility determination, including the results of the income verification or evaluation of any other eligibility factor, and/or the calculation of the monthly PIPP plus installment amount, may request reconsideration by the office of community assistance or by the local agency that made the initial determination or installment calculation. Requests for reconsideration may be made verbally or in writing but, in either case, must provide a reasonably detailed basis for the dispute and such supporting documentation as may be reasonably requested by the office of community assistance or the local agency. Requests for reconsideration must be made within sixty days after the date of the disputed determination or installment calculation, and shall be considered and resolved promptly by the office of community assistance or the local agency receiving the request. Responses to requests for reconsideration shall be made to the customer in writing.

(C) Continuing eligibility.

(1) Annual verification of income eligibility. Income eligibility will be subject to annual verification at or about twelve months from the PIPP plus customer's most recent PIPP plus re-verification date. The director will use reasonable efforts to notify PIPP plus customers in advance of annual verification deadlines. PIPP plus customers will be required to submit then-current application information to the office of community assistance or a local agency. The director shall use such application information to determine continuing income eligibility.

Local agencies and electric distribution utilities will cooperate with the director to facilitate the income verification process. If a PIPP plus customer fails to submit information sufficient to verify continuing eligibility within sixty days after the customer's annual verification date, the customer will be ineligible to continue in the PIPP plus program, and the office of community assistance will send the affected utility by electronic data transfer a drop file to remove such customer as an active PIPP plus customer. PIPP plus customers who have been dropped from the PIPP plus program for not meeting the terms of the program, including failure to re-verify their income, may re-enroll in the program after all past due monthly PIPP plus installment amounts while active on PIPP plus and while service was maintained have been paid is a condition to re-enroll in the PIPP plus program. Any monthly charges for months the customer was not active on PIPP plus, but maintained service (less any payments made by the customer) shall be added to the customer's arrearage balance upon reenrollment in PIPP plus. This includes PIPP plus payments for any months that the customer was disconnected. The amount due shall not exceed the amount of the customer's arrearage.

(2) Updating customer records. The office of community assistance or the local agency, whichever re-verifies a customer's continuing eligibility to participate in the PIPP plus program, shall notify such PIPP plus customer in writing of the re-verification determination and, if the PIPP plus customer continues to be eligible, the monthly PIPP plus installment amount based on re-verified income. If a customer is determined not to be eligible for continued participation in the PIPP plus program, the office of community assistance or the local agency shall include in the notice a reasonably detailed description of the reason for that determination and the customer may request reconsideration as provided in paragraph (B)(5) of this rule. The office of community assistance shall notify electric distribution utilities about re-verification determinations through electronic data transfers made each business day. Electric distribution utilities shall update customer records promptly to reflect customer re-verification information and return to the office of community assistance an electronic file confirming that customer account records have been updated to reflect re-verification and/or noting any exceptions for PIPP plus account files that could not be processed or reconciled with customer account records and specifying for each exception the proper exception code from the list of exception codes provided by the office of community assistance. Electric distribution utilities will work with the office of community assistance to resolve any exceptions, including the correction of any error in the customer information. Electric distribution utilities shall not unilaterally change a customer's monthly PIPP plus installment amount from the amount provided in the office of community assistance electronic data transfer. Electric distribution utilities are not required to send PIPP plus customers separate written notices of changes to monthly PIPP plus installment amounts following re-verification, but electric distribution utilities shall reflect a PIPP plus customer's monthly PIPP plus installment amount on such customer's bills as required by applicable commission rules. Promptly after receipt of notice that a PIPP plus customer is not eligible to continue in the PIPP plus program, the electric distribution utility shall remove the affected customer from PIPP plus billing and notify the customer about any payment plans or other utility-sponsored programs for which the customer may be eligible as a former participant in PIPP plus. The customer notice sent by the office of community assistance or the local agency as provided in this rule will also suggest that such customer contact his/her electric distribution utility for information about other payment plans and utility-sponsored programs that may be available to the customer.

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122:5-3-04 Payment and crediting arrangements and responsibilities.

(A) Customer payments.

(1) Monthly PIPP plus installment amount. For a PIPP plus customer with an electric baseload residence, the monthly PIPP plus installment amount shall be the greater of ~~six~~five per cent of such customer's monthly household income, as determined based on current income information provided by the PIPP plus customer at the time of application or subsequent income verification, or the minimum monthly PIPP plus installment amount described in paragraph (C) of rule [122:5-3-02](#) of the Administrative Code. For a PIPP plus customer with an electrically heated residence, the monthly PIPP plus installment amount shall be the greater of ten per cent of

such customer's monthly household income, as determined based on current income information provided by the PIPP plus customer at the time of application or subsequent income verification, or the minimum monthly PIPP plus installment amount.

(2) Payment to electric utility. PIPP plus customers shall be required to remit their monthly PIPP plus installment amounts directly to electric distribution utilities each month. Subject to commission rules applicable to customer billing, paragraph (G) of rule [4901:1-10-22](#) of the Administrative Code (or any successor rule of substantially the same effect), and any agreements between the director and electric distribution utilities regarding PIPP plus procedures, the monthly PIPP plus installment amounts will be shown on monthly bills for electric service. Customer payments shall be credited to the accounts of PIPP plus customers by each electric distribution utility in accordance with payment crediting rules of the commission. Consistent with the commission rule as set forth in paragraph (C) of rule [4901:1-18-15](#) of the Administrative Code (or any successor rule of substantially the same effect), electric distribution utilities shall not charge late payment fees to any PIPP plus customer as long as such customer continues to be an active PIPP plus customer and no late fees shall be charged to or payable from the fund.

(3) Money other than HEAP, emergency HEAP, or money provided on a 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 (this could be PIPP plus default, graduate PIPP plus default, or extended payment plan default), if any, then applied to the customer's current monthly income-based payment obligation (this could be PIPP plus installment, graduate PIPP plus installment, or extended payment plan obligation), and lastly, shall be applied to the customer's arrearages.

(B) Customer arrearages.

(1) Customer arrearages paid from fund. Since the administration of the PIPP plus program was transferred to the development services agency pursuant to section [4928.53](#) of the Revised Code, electric distribution utilities have been paid for customer arrearages from the fund. Accrued arrearages have generally been charged to the director and paid to the affected electric distribution utility upon enrollment of an eligible customer in the PIPP plus program. Current bill balances have been charged to the director monthly and paid from the fund. From and after the effective date of this rule, the director shall continue to pay from the fund accrued arrearages upon initial enrollment of an eligible customer in the PIPP plus program and monthly current bill balances according to the payment procedures described in rule [122:5-3-05](#) of the Administrative Code. Each electric distribution utility will maintain accurate records of all customer arrearages paid or reimbursed to the utility through any percentage of income payment plan mechanism, and such records shall be maintained in a form that such electric distribution utility can readily report customer arrearages on a per customer and aggregate basis. Electric distribution utilities shall not be paid any amount included in any customer arrearages that has previously been paid or reimbursed to the utility through any percentage of income payment plan mechanism.

(2) Monthly payment amounts not counted as arrearages. Electric distribution utilities shall not be entitled to recover from the fund, and they shall not charge to the director, any deficiencies accruing as a result of a PIPP plus customer's failure to pay monthly PIPP plus installment amounts. Such deficiencies also shall not be counted as customer arrearages for purposes of the arrearage crediting program provided by this rule.

(3) Arrearage credits for eligible customers. Each PIPP plus customer who makes an on-time payment of the monthly PIPP plus installment amount shall receive a credit applied in the same month as the on-time payment against customer arrearages as described in this paragraph. The amount of the arrearage credit that may be earned by a PIPP plus customer each month for making an on-time payment of the monthly PIPP plus installment amount shall be the sum of the current bill balance, plus an accrued arrearage credit determined by the electric distribution utility as provided in this rule. The accrued arrearage credit shall be the amount that would reduce the PIPP plus customer's accrued arrearages to zero over a twenty-four month period assuming on-time payment of all monthly PIPP plus installment amounts during that period. The amount of the accrued arrearage credit will be determined initially based on the customer's accrued arrearages at the time the customer enrolls in the PIPP plus program. The electric distribution utility shall calculate the customer's arrearage credit amount upon the customer's enrollment in the PIPP plus program and provide such customer's PIPP plus arrearage credit amount to the office of community assistance via an electronic data transfer. The accrued arrearage credit amount shall be reviewed annually by the electric distribution utility at or about the customer's PIPP plus anniversary date

and, for each PIPP plus customer who has not made each monthly payment on-time during the prior year, adjusted to account for months for which the on-time payment credit was not earned by the customer. The recalculated accrued arrearage credit shall be an amount equal to one twenty-fourth of the customer's accrued arrearages, including any accrued arrearage amount for which a credit was not earned during the prior year and any current bill balance(s) for which a credit was not earned during the prior year, but not including any missed monthly PIPP plus installment amounts. The electric distribution utility shall provide such customer's recalculated PIPP plus arrearage credit amount to the office of community assistance via an electronic data transfer. For a PIPP plus customer who made each monthly payment on-time during the prior year, the accrued arrearage credit amount shall remain the same as during the prior year. For a PIPP plus customer with no accrued arrearage, the monthly arrearage credit would be an amount equal to the customer's current bill balance for that billing cycle. Arrearage credits will be applied against customer arrearages only. PIPP plus customers may not earn arrearage credits pursuant to this rule for any missed monthly PIPP plus installment amounts. Arrearage credits may not be accumulated on a customer account that is current and applied against future service.

If a PIPP plus customer's account balance becomes a credit balance, the customer will no longer be eligible for the incentive credits until such time that the account balance is no longer a credit. If the credit balance is not the result of any incentive credits, the credit balance may be refunded to the customer upon request. At the time of such refund, the electric utility shall remove the account from PIPP plus and inform the customer of the availability of a more suitable payment plan option.

(4) Notice of accrued arrearage credit amounts. The customer's accrued arrearage credit shall be noted on the customer's utility bill promptly after it is received from the electric distribution utility via the electronic data transfer described in paragraph (B)(3) of this rule. Such electric distribution utility shall apply arrearage credits for such customer beginning with the next billing cycle after the calculation or recalculation of such customer's accrued arrearage credit amount. Electric distribution utilities shall apply arrearage credits to each bill for which an on-time payment of the monthly PIPP plus installment amount is made.

(5) Graduate PIPP plus transition assistance and post-PIPP plus arrearage credits. If a customer ceases to participate in the PIPP plus program voluntarily (which does not include being dropped from the PIPP plus program for failing to provide information necessary to complete periodic eligibility re-verification or comply with other PIPP plus program requirements) or because the customer is no longer eligible to participate based on income, such customer may nevertheless receive transition assistance and arrearage credits against customer arrearages accumulated but not paid at the time such customer ceases to participate in the PIPP plus program. To qualify for graduate PIPP plus transition assistance and post-PIPP plus arrearage credits, a customer must pay all missed monthly PIPP plus installment amounts, if any, owed to the electric distribution utility for which transition assistance or arrearage credits will be provided. A customer will be eligible to receive graduate PIPP plus transition assistance and post-PIPP plus arrearage credits under this rule based on payments made during the twelve months immediately following the last billing cycle during which the customer ceases to participate in the PIPP plus program. Graduate PIPP plus transition assistance and post-PIPP plus arrearage credits under this rule will be applied only against customer arrearages accumulated at the time the customer ceases to participate in the PIPP plus program. Arrearage credits may not be accumulated on a customer account that is current and applied against future service.

(a) Graduate PIPP plus - customer continues electric service. A graduate PIPP plus customer continues to receive electric service from the same electric distribution utility after ceasing to be enrolled in the PIPP plus program. A graduate PIPP plus customer will be eligible to receive arrearage credits under this rule if the customer makes regular payments for electric service in an amount that is the average of the customer's most recent monthly PIPP plus installment and the customer's budget bill amount if the customer were placed on a twelve-month budget plan. If such customer's graduate PIPP plus transition installment amount would not reduce each current monthly bill balance to zero, then during the ~~twelve~~fourteen-month period under this rule, the electric distribution utility shall apply a credit to the graduate PIPP plus customer's account for the difference between the transition installment amount and the actual cost of service and may submit such credit amount to the fund for reimbursement as transition assistance. The graduate PIPP plus arrearage credit will be earned and shall be applied to such customer's account for each month during the ~~fourteen~~twelve-month period that the customer makes an on-time payment for electric service to the electric distribution utility until the customer arrearage has been fully credited. If the customer fails to make ~~twelve~~fourteen on-time payments for electric service during the ~~twelve~~fourteen-month graduate PIPP plus arrearage credit period, the uncredited balance of the customer

arrearage shall remain on the customer's account. This remaining arrearage 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. Upon notice from the office of community assistance to the electric distribution utility that the customer has ceased to participate in PIPP plus, the utility shall determine the customer arrearages as of the effective date of such notice and calculate the monthly arrearage credit as an amount equal to one-twelfth of such customer arrearages, but not including any missed monthly PIPP plus installment amounts. The electric distribution utility shall notify the office of community assistance of the monthly graduate PIPP plus arrearage credit amount, and the utility shall apply the graduate PIPP plus arrearage credit as provided in this paragraph.

(b) Customers on company-specific arrearage crediting payment plans as of the effective date of this rule. For customers on company-specific arrearage crediting payment plans as of the implementation date of these rules, such former PIPP plus customer shall be enrolled in and receive graduate-PIPP plus arrearage credits as described in paragraph (A) of this rule provided that such customer makes regular payments for electric services under a budget plan offered by the electric distribution utility or for the cost of electric service as billed.

(c) Post-PIPP plus - customer account closed. When an electric distribution utility closes the account of a PIPP plus customer (i.e., account "finaled"), the utility shall report to the office of community assistance the amount of any customer arrearage for which the utility was previously paid by the fund or through any other percentage of income payment plan mechanism. Each electric distribution utility shall notify such PIPP plus customer that post-PIPP plus arrearage credits will be available during the next twelve-month period to reduce the customer's final bill amount and request that such customer contact the utility company for additional information. Each electric distribution utility shall enter into a payment arrangement with any former PIPP plus customer who will agree to make payments against such customer's arrearage on a finaled account. A post-PIPP plus customer who makes payments against the customer's arrearage on a finaled account as provided in this rule will be eligible for post-PIPP plus arrearage credits. In order to receive a post-PIPP plus arrearage credit, the amount of the customer payment must be at least one-sixtieth of the customer arrearage on the finaled account. The post-PIPP plus customer will earn an arrearage credit for each such payment made to the electric distribution utility during the twelve-month period after the customer's account is closed. The post-PIPP plus arrearage credit shall be calculated by the electric distribution utility as of the customer arrearage on the finaled account, and the electric distribution utility shall apply the credit against the customer arrearage each time that a customer payment is made as described in this paragraph. If a post-PIPP plus customer fails to make payments against customer arrearages on a finaled account during the -month post-PIPP plus arrearage credit period, the uncredited balance of the customer arrearage shall remain on the customer's account.

(6) Limitations on arrearage credits. The arrearage credits provided in paragraph (B) of this rule apply only to customer arrearages for which electric distribution utilities have been paid through a percentage of income payment plan mechanism. Arrearage credits provided in paragraph (B) of this rule may not be earned based on payments made from federal funds administered by the office of community assistance.

(C) Evaluation of program effectiveness. The director shall periodically review and analyze data collected in connection with the administration of the PIPP plus program and evaluate the payment and arrearage crediting arrangements, the operation and performance of the PIPP plus program as a means of assisting low-income households to maintain electric service and the fiscal implications of the PIPP plus program for ratepayers, generally.

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[122:5-3-05 Procedures for disbursing public funds to electric utilities; timely remittance of revenue.](#)

(A) Application of customer deposits. If an electric distribution utility has collected a deposit from a customer who subsequently enrolls in the PIPP plus program, the electric distribution utility shall apply the deposit to the customer's account in a manner consistent with rule [4901:1-10-14](#) of the Administrative Code (or any successor

rule of substantially the same effect) promptly following delivery of notice by the director that the customer has enrolled in the PIPP plus program. Consistent with the commission rule set forth in paragraph (B) of rule [4901:1-18-15](#) of the Administrative Code (or any successor rule of substantially the same effect), electric distribution utilities shall not charge or collect deposits from any PIPP plus customer as long as such customer continues to be an active PIPP plus customer and customer deposits shall not be charged to or payable from the fund.

(B) Payment for electric service. The director shall make monthly payments from the fund to electric distribution utilities on behalf of active PIPP plus customers. For each active PIPP plus customer, the director shall pay an amount equal to the difference between the cost of electric service provided by the relevant electric distribution utility to such active PIPP plus customer during the applicable billing cycle and the monthly PIPP plus installment amount for such customer for the corresponding billing cycle whether or not the customer has paid the monthly PIPP plus installment amount. It shall be the responsibility of each electric distribution utility to collect monthly PIPP plus installment amounts, which shall not be paid from the fund for any electric service provided after the effective date of this rule. The director shall also make monthly payments from the fund to electric distribution utilities for transition assistance for eligible graduate PIPP plus customers as provided in paragraph (B)(5)(a) of rule [122:5-3-04](#) of the Administrative Code. Electric distribution utilities may not bill the director for electric service or any other charges to a customer's account for any time during which electric service to such customer was disconnected or for any time during which such customer was not an active PIPP plus customer, and no such amounts will be paid from the fund. Electric distribution utilities shall submit invoices to the director monthly by the fifteenth day of the month for all billing cycles ended during the preceding revenue month. "Revenue months" shall be periods established by each electric distribution utility corresponding to its respective billing activities and listed in an annual schedule that shall be provided to the director. If the fifteenth is not a business day, invoices may be submitted on the next business day after the fifteenth. Invoices shall be in the form further described in paragraph (F)(1) of this rule. The director shall use its commercially reasonable efforts to remit payments from the fund to the electric distribution utility within fifteen days after receipt of a proper invoice for such services. In the event the director fails to remit payment within thirty days after receipt of a proper invoice for services, the director shall be obligated to pay interest on the late payment at the rate then provided for in section [126.30](#) of the Revised Code.

(C) Municipal electric utility or electric cooperative. In the event a municipal electric utility or an electric cooperative elects to participate in the low-income customer assistance programs as permitted by section [4928.51](#) of the Revised Code, such municipal electric utility or electric cooperative shall be subject to all applicable conditions and requirements of sections [4928.51](#) to [4928.61](#) of the Revised Code and the rules in this chapter of the Administrative Code. For purposes of applying the rules in this chapter to a municipal electric utility or electric cooperative, all references to an electric distribution utility will be construed to refer to such municipal electric utility or electric cooperative. A detailed plan for participation of a municipal electric utility or an electric cooperative and administration of low-income customer assistance programs for the customers of the municipal electric utility or electric cooperative shall be developed by the director and such municipal electric utility or electric cooperative and memorialized in a written agreement.

(D) Timely remittance of revenue; deposit to fund.

(1) Collections remitted. Each electric distribution utility shall remit to the director all universal service rider revenue collected by such electric distribution utility and all revenue collected by such electric distribution utility in respect of any customer arrearages for which the electric distribution utility was at any time paid from the fund or otherwise through a PIPP plus rider mechanism. Such revenue shall be paid over to the director by the fifteenth day of the month immediately following the month in which the revenue is received by the electric distribution utility. In the event an electric distribution utility fails to remit timely any universal service rider revenue or revenue from the collection of customer arrearages, such electric distribution utility shall be obligated to pay interest on the late payment at the rate then provided for in section [126.30](#) of the Revised Code. Each payment from an electric distribution utility to the director shall be accompanied by a revenue report as further described in paragraph (F)(2) of this rule. Payments shall be made to the director by electronic funds transfer according to funds transfer instructions provided by the director from time to time.

(2) Deposit to universal service fund. All revenue remitted by any electric distribution utility to the director in connection with the PIPP plus program shall be deposited promptly by the director into the fund.

(E) Billing and payment disputes. The director shall have a reasonable time to review all invoices and revenue reports submitted by electric distribution utilities. Payment of invoices and acceptance of remittances shall not foreclose the director from disputing any error or deficiency found by the director upon review of invoices or revenue reports. In the event the director finds any invoice or revenue report to be deficient or in error, the director shall notify the affected electric distribution utility in writing, and the director shall be entitled to recover from the electric distribution utility any overcharges for service or underpayment of collections with interest accruing from the date such payments were made or should have been made at the rate provided for in section [126.30](#) of the Revised Code. If the electric distribution utility disputes the director's finding of error or deficiency, representatives of the director and the electric distribution utility shall meet in person to review the respective calculations of the disputed amounts and work in good faith to resolve the dispute.

(F) Reporting

(1) Invoices for service to PIPP plus customers. Invoices shall provide the director customer-level and aggregate information about the electric service provided to PIPP plus customers during the billing cycles covered by the invoice. Invoices shall be submitted in form and substance as required by the director from time to time. The director shall notify electric distribution utilities in writing of any changes to the required form or substance for invoices and allow a reasonable time for electric distribution utilities to transition to the modified invoice requirements.

(2) Revenue reports. Revenue reports shall provide information to the director regarding collections and universal service fund revenue remitted to the director in connection with the PIPP plus program. Revenue reports shall be submitted in form and substance as required by the director from time to time. The director shall notify electric distribution utilities in writing of any changes to the required form or substance for revenue reports and allow a reasonable time for electric distribution utilities to transition to the modified revenue report requirements.

(3) Monthly customer information reports. On or before the fifteenth day of each month (or if the fifteenth is not a business day, the next business day after the fifteenth), each electric distribution utility shall report to the director about all customers of such electric distribution utility participating in either or both the PIPP plus program or the home energy assistance program during the preceding calendar month. Monthly customer information reports shall be submitted in form and substance as required by the director. The director shall notify electric distribution utilities in writing of any changes to the required form or substance for customer information reports and allow a reasonable time for electric distribution utilities to transition to the modified customer information report requirements.

(4) Special information requests. From time to time to assist the office of community assistance with the administration and/or evaluation of low-income customer assistance programs, the director may make special information requests of electric distribution utilities and shall provide a reasonable period of time for reply. The electric distribution utilities shall respond to the special information requests within the time permitted. If an electric distribution utility is unable to respond completely to a special information request, the electric distribution utility shall notify the office of community assistance promptly and cooperate with the office of community assistance to address any issues that would delay or impair compliance with the information request.

(5) Electronic data interchange. All invoices, revenue reports, monthly customer information reports, and any special information requests that may be reasonably requested by the director from time to time shall be submitted to the director electronically. In addition, each electric distribution utility shall submit to the director a paper copy of each invoice and revenue report certified by a responsible officer of the utility as being true, correct and complete. Technical guidelines and protocols for electronic data interchange shall be established and maintained by the director and provided to each electric distribution utility. To the extent practicable, the director shall provide electric distribution utilities notice and an opportunity to review and comment on any proposed change to electronic data interchange technical guidelines and protocols, and the director shall allow a reasonable time for electric distribution utilities to implement system modifications necessary to conform to any technical changes adopted by the director.

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122:5-3-06 Aggregation.

~~Pursuant to section [4928.54](#) of the Revised Code, the director may aggregate PIPP plus customers for the purpose of competitively auctioning the supply of competitive retail electric generation service to bidders certified under section [4928.08](#) of the Revised Code and further qualified under eligibility criteria the director prescribes by rule under division (B) of section [4928.53](#) of the Revised Code after consultation regarding any such rule with the commission and electric light companies as well as such other interested parties as the director may identify. The director shall review from time to time the feasibility of aggregating PIPP plus customers as contemplated by section [4928.54](#) of the Revised Code. If the director determines that a market has developed in which aggregating PIPP plus customers is feasible and substantial savings for the PIPP plus program can be realized by aggregating customers for the purpose of competitively auctioning the supply of competitive retail electric generation services, then the director shall undertake to consult with the commission and electric light companies and develop rules consistent with the requirements of section [4928.54](#) of the Revised Code.~~

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122:5-3-07 Procedures for administering funds under director's jurisdiction.

(A) Compliance with federal requirements. Federal funds received by the director for the purpose of providing home energy assistance or energy efficiency and weatherization services shall be administered in accordance with any applicable federal laws and program guidelines in effect from time to time. In the event the director determines that any provision of this rule conflicts with any federal law or program guideline as adopted or amended after the effective date of this rule, the director may do all things necessary to conform the administration of federally-funded assistance programs to applicable laws and guidelines, including, without limitation, suspension of any invalid or conflicting provision of this chapter of the Administrative Code.

(B) Home energy assistance program.

(1) Annual program determinations. Each year, the director shall develop a plan for administration of the home energy assistance program taking into account the amount of program funds to be received by the state from the federal government, any additional funds that may be made available for such programs by the state and the timing of the availability of all such funds for distribution to eligible recipients. The plan for administration, including the priorities for distribution of funds, shall be as provided in the annual LIHEAP plan for the applicable program year. The annual LIHEAP plan shall set forth the eligibility criteria for the program year and describe the manner in which home energy assistance funds will be made available for the crisis assistance component of the home energy assistance program.

(2) Customer eligibility. Eligibility for home energy assistance program benefits shall be as set forth in the annual LIHEAP plan. Such assistance is not limited to PIPP plus customers. The director may in the annual energy assistance guidelines issued to local agencies for administration of the program reserve emergency or crisis assistance for households that do not receive electric service from an electric distribution utility and/or for customers of electric distribution utilities who are not eligible to participate in the PIPP plus program. The director shall make information about the home energy assistance program, including customer eligibility requirements, available to the public at public hearings, through local agencies and various other communication channels, including publication on the development services agency website.

(C) Home weatherization assistance program.

(1) Annual program determinations. Each year, the director shall develop a plan for administration of the home weatherization assistance program funds taking into account the amount of program funds to be received by the state from the federal government, any additional funds that may be made available for such programs by the state and the timing of the availability of all such funds for distribution to eligible recipients. The plan for administration, including the priorities for distribution of funds, shall be as provided in the annual HWAP plan for the applicable program year. The annual HWAP plan shall set forth the eligibility criteria for such program year and describe the manner in which home weatherization assistance funds will be made available to authorized energy efficiency and weatherization service providers. Energy efficiency and weatherization service providers shall adhere to applicable guidelines of the federal agencies providing funds in selecting households to receive energy efficiency and weatherization services.

(2) Customer eligibility. Eligibility for home weatherization assistance program grants shall be as set forth in the annual state plan for the home weatherization assistance program. Such assistance is not limited to PIPP plus customers. The director shall make information about the home weatherization assistance program, including customer eligibility requirements, available to the public at public hearings, through local agencies and various other communication channels, including publication on the development services agency website.

(D) Application. The director shall identify the customer-level information necessary and useful for purposes of determining customer eligibility and administering customer participation in the home energy assistance program and home weatherization assistance program. The director shall prepare a form of application, which may be a single combined application for all low-income customer assistance plans. The director shall make applications for the home energy assistance program and the home weatherization assistance program available to customers at various locations and through various publication channels throughout the state, including at local agencies, by request to the office of community assistance and by publication on the development services agency website. The application form may be updated by the director from time to time. Applications for home energy assistance program funds and/or home weatherization assistance program services may be submitted by customers to local agencies designated by the director to accept such applications or by mail to the office of community assistance.

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[122:5-3-08 Energy efficiency and weatherization services and consumer education.](#)

(A) Allocation of energy efficiency and weatherization services. To the extent practicable, energy efficiency and weatherization services supported with resources from the fund shall be targeted to the certified territories of an electric distribution utility in the same proportion as the revenue remitted by such electric distribution utility to the director for the fund as corresponds to the total revenue remitted from all electric distribution utilities to the director for the fund. In the event any electric distribution utility makes any other funding contribution to the director to support energy efficiency or weatherization services, such additional funding shall be targeted to delivery of energy efficiency and weatherization services in such electric distribution utility's service territory.

(B) Target high-cost, high-use structures. The director shall establish and maintain criteria designed to target energy efficiency and weatherization services to high-cost, high-use structures, provided that such criteria may allow flexibility to perform cost-effective energy efficiency and weatherization services for residences of PIPP plus customers and customers then eligible to participate in the PIPP plus program even though such residences may not be the highest cost or highest use structures. Such criteria may include, among others identified by the director from time to time:

(1) the extent to which an adequate delivery infrastructure is available to serve the targeted structures within a particular region;

(2) the extent to which additional training is necessary to deliver the energy efficiency and weatherization services; and

(3) the net present value of savings to the fund from the implementation of particular energy efficiency and weatherization services. Any energy efficiency or weatherization measure projected to yield a savings-to-investment ratio of greater than one shall be considered a cost-effective measure.

(C) Rental properties. Energy efficiency and weatherization services may be provided for a rental property then leased to a PIPP plus customer or to a customer then eligible to participate in PIPP plus. As a condition to providing energy efficiency and weatherization services for a rental property, the director may require the owner of such rental property to agree:

(1) for the benefit of the PIPP plus customer not to increase rent charged to such individual as a result of any investment made in the property in connection with the energy efficiency and weatherization services to be provided; and

(2) to make a funding contribution toward the cost of the energy efficiency and weatherization service where such services are likely to enhance the value of the rental property. Replacement of consumables (e.g., light bulbs and furnace filters) and tenant-owned appliances shall not require landlord approval or a funding contribution from the landlord. The director may authorize service providers to solicit and obtain landlord approval and funding contributions to be applied against the cost of the energy efficiency and weatherization measures provided. A funding contribution will not be required from an individual owner of a rental property who is himself or herself eligible to participate in the PIPP plus program. The amount of any funding contribution received by a service provider from an owner of rental property for energy efficiency and weatherization measures will be offset dollar-for-dollar from the amount to be paid by the department to the service provider for such measures.

(D) Service providers. The director shall establish and maintain standards for the selection and performance of service providers who offer energy efficiency and weatherization services to participants in low-income customer assistance programs. No service provider shall hold itself out as a development services agency authorized provider unless the service provider has a current designation of such status from the director. The standards for authorized service providers shall require, without limitation, service providers to:

(1) be able to provide services which are to be paid for from the fund comparably and in accordance with energy efficiency and weatherization program standards, as established and amended by the office of community assistance from time to time;

(2) employ electronic data collection methods for reporting service data, cost data, and customer eligibility data, and report all such data to the director;

(3) provide for proper verification of service delivery; and

(4) cooperate fully in an evaluation of such service provider's services through an objective third-party review, which may include an on-site evaluation, collection and analysis of pre- and post-service energy usage, and an analysis of bill payment behavior. The director may modify the standards for authorized service providers from time to time, and the current standards for authorized service providers shall be made available upon request to the office of community assistance and posted on the website of the development services agency.

(E) Evaluation of program effectiveness. The director shall periodically review and analyze data collected from authorized service providers and otherwise in connection with low-income customer assistance programs to evaluate the results of energy efficiency and weatherization services. In particular, the director shall determine whether such data provides evidence of reduced energy consumption by households receiving such services and reduced costs of electric service provided to PIPP plus customers.

(F) Consumer education. To the extent practicable within the resources available from the fund for consumer education, the director will establish and maintain a consumer education program covering energy efficiency, energy conservation, demand reduction, and such other subject matter as the director determines relevant and useful for customers eligible to participate in low-income customer assistance programs, including such materials

as electric distribution utilities may provide for distribution to their respective customers about energy efficiency, energy conservation, and demand reduction programs the electric distribution utility offers.

Effective: 2/15/2015

Five Year Review (FYR) Dates: 11/25/2014 and 02/15/2020

Promulgated Under: [119.03](#)

Statutory Authority: [4928.53](#)

Rule Amplifies: [4928.51](#) to [4928.57](#)

Prior Effective Dates: 9/1/00, 11/1/10

122:5-3-09 Delegation of functions.

Except as provided in this rule, each and any of the powers and duties of the director under this chapter may be performed by the assistant director of the development services agency or such other officers and employees of the development services agency as may be designated in writing by the director or such assistant director. Any such designation under this chapter shall continue to be effective for purposes of this chapter unless and until it is terminated or superseded in writing, notwithstanding any succession in the office of director or assistant director. Except as provided in this rule, any reference in this chapter to the director includes the assistant director and such other designated officers and employees.

Effective: 2/15/2015

Five Year Review (FYR) Dates: 11/25/2014 and 02/15/2020

Promulgated Under: [119.03](#)

Statutory Authority: [4928.53](#)

Rule Amplifies: [4928.51](#) to [4928.57](#)

Prior Effective Dates: 9/1/00, 11/1/10

122:5-3-10 Severability.

If any clause, provision or application of any rule in this chapter is determined to be invalid or unenforceable under applicable law, such determination shall not affect the remainder of such rule or other application of the rule or other rules of this chapter, which shall be applied as if the invalid or unenforceable portion or application or references to the invalid or unenforceable portion did not exist.

Five Year Review (FYR) Dates: 11/24/2014 and 11/24/2019

Promulgated Under: [119.03](#)

Statutory Authority: [4928.53](#)

Rule Amplifies: [4928.51](#) through [4928.57](#)

Prior Effective Dates: 11/01/2010

(ii) The utility shall reinstate the PIPP plus customer into PIPP plus when the PIPP plus customer pays all missed installments and current monthly charges for those months when the PIPP plus customer was not enrolled in the program, less any payments the customer has made (up to the account arrearage). The utility shall provide notice to the office of community assistance of both the drop and the reinstatement through the nightly confirmation files.