

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 program.

(B) Household income

(1) Compared to federal poverty guidelines. Any customer whose annual household income is one hundred fifty percent or less than the federal poverty guideline for the corresponding household size shall be eligible to participate in the PIPP program. A customer will be considered to meet the income eligibility requirement if either (a) the customer's household income for the three months prior to enrollment, if annualized, is one hundred fifty percent or less than the federal poverty guideline for the corresponding household size, or (b) the customer's actual household income for the twelve months prior to enrollment is one hundred fifty percent 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 services and by publication on the department of development website. To assist local agencies and potential PIPP 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 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 undertaking to pay a monthly PIPP installment calculated as provided in these rules, but not less than ten dollars subject to the limited exception provided in section 122:5-3-04(A)(2) of the administrative code.

(D) Participation in other energy assistance programs. Any customer enrolling in the PIPP program shall also apply to participate in any other energy assistance program for which such customer may be eligible. If a customer is determined to be eligible for energy assistance through other programs, then as condition of continuing eligibility for the PIPP program such customer shall actively participate in any such

energy assistances programs that do not require payment from the customer as a condition for participation.

(E) Participation in energy efficiency and weatherization programs. Any PIPP 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 program. If a PIPP customer resides in a rental property and energy efficiency and weatherization services are offered by the director for such rental property, such PIPP customer shall be required to accept such services as a condition for continuing eligibility for the PIPP 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 section 122:5-3-08(C) of the administrative code. A PIPP customer shall not be required to accept energy efficiency and weatherization services that require payment by the customer. The obligation of a PIPP customer to accept energy efficiency and weatherization services as provided in this rule shall continue as long as the PIPP customer continues to participate in the PIPP program.

(F) Payment reminders. The director, through the office of community services, a local agency, or other agent or contractor, may (but shall not be required to) send reminders to PIPP 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 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 customers nor take any action on behalf of utilities to collect past due amounts.

(G) Participation in consumer education programs encouraged. PIPP customers shall be encouraged by the office of community services 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) If a PIPP customer fails to pay monthly PIPP installment amounts and such non-payment causes the customer's electric service to be subject to disconnection by a utility for non-payment or actually disconnected by a utility for non-payment, it shall be the responsibility of the PIPP customer to pay the minimum amount necessary to avoid the disconnection procedures as provided by the commission in rule 4901:1-18-04 of the administrative code (or any successor rule of substantially the same effect) or to have service reconnected as provided by the commission in rule

4901:1-18-07 of the administrative code (or any successor rule of substantially the same effect), except that for purposes of this rule, the minimum amount to avoid disconnection or to reconnect will not include accrued arrearages on the PIPP customer's account prior to non-payment of monthly PIPP installment amounts. None of the delinquent amounts, including any past due monthly PIPP installment amounts and other charges commission rules permit the utility to collect from a customer to avoid disconnection or to reconnect electric service (but not including accrued arrearages prior to the non-payment of monthly PIPP installment amounts), shall be charged to or paid from the fund. A customer will cease to be an active PIPP customer if a utility disconnects electric service to such PIPP customer for non-payment and electric service remains disconnected through two monthly reports of customer-level information to the office of community services. Electric distribution utilities will identify in monthly reports PIPP customers disconnected from service for non-payment, and the office of community services will issue a notice to the utility to drop a customer from the PIPP program if such customer continues to be in disconnect status at the time of the next monthly customer report submitted by the utility. A PIPP customer who has ceased to be an active PIPP customer as a result of disconnection for non-payment shall be ineligible to participate in the PIPP program until such customer pays any delinquent amounts through the date the office of community services identifies the customer for removal as an active PIPP customer, including any past due monthly PIPP installment amounts, and other charges commission rules permit the utility to impose to reconnect service as provided in section 4901:1-18-07 of the administrative code (or any successor rule of substantially the same effect). The requirement in this rule for a customer to pay delinquent amounts and reconnect charges is a condition to re-enroll in the PIPP program. 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 a customer fails to pay two consecutive monthly PIPP installment amounts, the office of community services may take action to terminate such customer's participation in the PIPP program for failure to comply with program requirements. The office of community services will issue a written notice to the affected customer, and the customer will have thirty days after the date of the notice to pay past due monthly PIPP installment amounts. If past due monthly PIPP installment amounts are not paid, the office of community services will notify the applicable electric distribution utility to drop the customer from the PIPP program, and such customer will cease to be an active PIPP customer. A PIPP customer who has ceased to be an active PIPP customer as a result of non-payment of monthly PIPP installment amounts shall be ineligible to participate in the PIPP program until such customer pays any delinquent amounts through the date the office of

community services identifies the customer for removal as an active PIPP customer, including any past due monthly PIPP installment amounts

(2) Transition rule for 2009-2010 winter heating season. Notwithstanding paragraph (H)(1) of this rule, a PIPP customer whose electric service is subject to disconnection by an electric distribution utility or actually disconnected by an electric distribution utility for non-payment of charges prior to the effective date of these rules will be eligible to re-enroll in the PIPP program upon reconnection of service as provided under any commission rule or order then in effect, including any rule or order that provides for the customer to maintain or reconnect electric service by paying less than the delinquent amounts and reconnect charges. Any portion of the delinquent amounts remaining when payments are made as provided in such a commission rule or order will be considered an accrued arrearage of the customer and paid from the fund as provided in section 122:5-3-04(B)(1) of the administrative code. This rule applies to customers who owe delinquent amounts for electric service and continue to participate or re-enroll in the PIPP program during the 2009-2010 winter heating season only (November 1, 2009 through April 15, 2010).

(3) Disconnection for fraud, tampering or theft. If a utility disconnects electric service to the residence of a PIPP 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 program 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 program pursuant to this rule and none of the costs described in section 4901:1-18-03(E)(3) 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 department of development 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 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.

(I) Removal from PIPP for fraudulent enrollment. In the event the director finds that a

PIPP customer is enrolled in the PIPP program or continues to participate in the PIPP program as a result of fraud or deception by the customer or any consumer who is a member of the customer's household, the director may terminate such customer's enrollment in the PIPP program with immediate effect, demand that the customer make restitution of all payments made from the fund for the benefit of such customer during the period the customer was fraudulently enrolled in the PIPP program, and reverse any arrearage credits received by such customer during the period the customer was fraudulently enrolled in the PIPP program. In addition, any such customer found to have fraudulently enrolled in the PIPP program shall be ineligible to participate in the PIPP program for twenty-four months after the finding of fraudulent enrollment and until any demand for restitution is satisfied.

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