

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 150% ~~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 either (a) the customer's household income for the three months prior to enrollment, if annualized, is 150% ~~one hundred fifty per cent~~ or less than the federal poverty guideline for the corresponding household size, or (b) the customer's actual household income for the 12 ~~twelve~~ months prior to enrollment is 150% ~~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 ~~services~~ assistance and by publication on the ~~department of 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 ~~undertaking to paying~~ paying a monthly PIPP Plus installment calculated as provided in these rules, but not less than ten dollars ~~subject to the limited exception provided in paragraph (A)(2). Any overpayment of rule 122:5-3-04 of the Administrative Code~~ 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 30 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 ~~assistanceservices~~, 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 ~~services~~ 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) If a PIPP Plus customer fails to pay monthly PIPP Plus 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 Plus customer to avoid disconnection by paying the minimum amount as provided by the commission in paragraph (B) of rule 4901:1-18-~~0405~~ 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 Plus customer's account prior to non-payment of monthly PIPP Plus installment amounts. None of the delinquent amounts, including any past due monthly PIPP Plus 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 Plus installment amounts), shall be charged to or paid from the fund. A customer will cease to be an active PIPP Plus customer if a utility disconnects electric service to such PIPP Plus customer for non-payment and electric service remains disconnected through ~~two monthly reports~~ the end 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, that billing cycle and the office of community services will issue a notice to the utility to drop a~~ shall report such customer as an inactive 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 Plus customer who has ceased to be an active PIPP Plus customer as a result of disconnection for non-payment shall be ineligible to participate in the PIPP Plus program until such customer pays any delinquent amounts through the date the office of community ~~services~~ assistance identifies the customer for removal as an active PIPP Plus customer, including any past due monthly PIPP Plus installment amounts, the installment amount for those months that they were not enrolled in the PIPP Plus program, including payments for any

months in which the customer was disconnected (not to exceed the account balance), and other charges commission rules permit the utility to impose to reconnect service as provided in rule 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 Plus 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~~To be eligible to continue in the PIPP Plus program for the subsequent 12 months, the PIPP Plus customer must be current on his/her PIPP Plus installment on his/her anniversary date, 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 monthly PIPP installment amounts through the date the office of community services identifies the customer for removal as an active PIPP customer.

(i) If the customer is not current on his/her anniversary date, 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) 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.

(c) A PIPP customer who is income eligible, voluntarily leaves PIPP Plus, and within 12 months re-enrolls in PIPP Plus, must pay the difference between the PIPP Plus installments for the months the customer received service but was not on the program, less payments made by the customer during the same time period up to the amount of the customer's arrearage.

(d) A PIPP Plus customer who is income eligible, voluntarily leaves PIPP Plus, and then re-enrolls in PIPP Plus after 12 months and has no accrued arrearage, is required to pay only his/her first PIPP Plus payment upon re-enrollment. If the customer re-enrolls in PIPP Plus after 12 months and has an accrued arrearage, the customer is required to pay the missed PIPP Plus payments for the number of months that he/she was not enrolled in PIPP Plus, less any payments made by the customer up to the amount of the customer's arrearages, in addition to his/her first PIPP Plus payment.

~~(2) Transition rule for 2010-2011 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 paragraph (B)(1) of rule 122:5-3-04 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 2010-2011 winter heating season only (November 1, 2010 through April 15, 2011).~~

~~(3)~~(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 ~~department of 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.

~~(4) Transition rule for 2011 2012 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 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 paragraph (B)(1) of rule 122:5-3-04 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 2011 2012 winter heating season only (October 17, 2011 through April 13, 2012).~~

(I) Removal from PIPP Plus for fraudulent enrollment. In the event that there is an allegation of fraudulent enrollment regarding a PIPP Plus ~~applicant~~customer, the director, through the office of community ~~assistance~~services, ~~may~~will investigate such allegation. In the event the director finds that a PIPP Plus ~~applicant~~customer is enrolled in the PIPP Plus program or continues to participate in the PIPP Plus program as a result of ~~fraudulent enrollment~~fraud or deception by the customer or any consumer who is a member of the customer's household, the director shall terminate such ~~applicant's~~customer's enrollment in the PIPP Plus program with immediate effect, demand that the ~~applicant~~customer make restitution of all payments made from the fund for the benefit of such ~~applicant~~customer during the period the ~~applicant~~customer was fraudulently enrolled in the PIPP Plus program, and reverse any arrearage credits received by such ~~applicant~~customer during the period that the ~~applicant~~customer was fraudulently enrolled in the PIPP Plus program. In addition, any such ~~applicant~~customer found to have fraudulently

enrolled in the PIPP Plus program shall be ineligible to participate in the PIPP Plus program for ~~24~~twenty-four months ~~after the finding of fraudulent enrollment~~ 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 24 months and until any demand for restitution is satisfied.

Effective:

Five Year Review (FYR) Dates: 11/25/2014

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 4928.53
Rule Amplifies: 4928.51 through 4928.57
Prior Effective Dates: 9/1/00, 11/1/10, 11/7/11 (Emer.), 3/5/12