

**MEMORANDUM**

**TO:** Whitney Sullinger, Ohio Development Services Agency

**FROM:** Danielle Dillard, Regulatory Policy Advocate

**DATE:** May 23, 2018

**RE:** **CSI Review – Criteria for Customer Eligibility (OAC 122:5-3-02)**

---

On behalf of Lt. Governor Mary Taylor, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Agency as provided for in ORC 107.54.

**Analysis**

This rule package consists of one amended rule submitted by the Ohio Development Services Agency (ODSA). The rule package was submitted to the CSI Office on April 10, 2018 and the public comment period was held open through April 20, 2018. No comments were received during this time.

The rule being amended sets forth eligibility criteria for the Percentage of Income Payment Plan Plus (PIPP Plus). PIPP Plus is an energy assistance program where low-income customers of gas and electric utilities regulated by the Public Utilities Commission of Ohio can retain or restore utility service by paying a percentage of their household income instead of the total amount of the monthly bill. The Department would like to amend the rule to relax the current eligibility requirements. Currently, a customer must demonstrate that their household income for the three months prior to enrollment in PIPP Plus is 150% or less than the federal poverty guideline for their household size. ODSA annualizes the customer's income during that three month period to determine their annual household income. ODSA would like to change the three month requirement to thirty days, and allow customers to provide documentation of their actual annual

household income when their current income for the thirty-day period, if annualized, would render them ineligible for PIPP Plus.

As part of early stakeholder outreach, ODSA conducted a survey of fifty-one Local Delegate Agencies (LDA) that administer the PIPP program. The Department asked that the survey be made available to customers and LDA staff. The survey explained the proposed revisions and requested feedback. The Department received 640 responses from the survey noting a variety of concerns. Most customers were supportive of the amendments and stated that the changes would simplify the application process and better reflect a customer's actual income. LDA administrators raised concerns over whether the rule change would apply to ODSA's related energy assistance programs. The Department reissued the survey clarifying that the changes would apply to its other energy assistance programs. The amended survey addressed the majority of the concerns initially raised, and ODSA did not see a need to make any further adjustments to the proposed rule after assessing survey feedback. The rule package as submitted to CSI was drafted with all stakeholder concerns taken into account. No comments were received during the CSI public comment period.

The rule impacts participants and providers of the PIPP Plus program. Participants must provide documentation of their income, and providers must use the provided information to determine eligibility. Both groups will have to learn the new requirements of the rule and implement the changes accordingly. LDAs will be required to attend an additional hour of training on the changes that ODSA will provide via webinar. The Department estimates that the time spent training LDAs and participants on the changes will be minimal. It also anticipates a decrease in application processing time because of the changes. There are no fines or penalties for noncompliance, and the Department emphasizes that any adverse impact is outweighed by the likely increase in the number of customers who can successfully complete an application for enrollment in PIPP Plus.

### **Recommendation**

For the reasons explained above, this office does not have any recommendations regarding this rule package.

### **Conclusion**

Based on the above comments, the CSI Office concludes that the Ohio Development Services Agency should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.