

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of)	
Ohio Power Company for Approval of)	
its Temporary Plan for Addressing the)	Case No. 20-602-EL-UNC
COVID-19 State of Emergency.)	
In the Matter of the Application of)	
Ohio Power Company for Waiver of)	Case No. 20-603-EL-WVR
Tariffs and Rules Related to the)	
COVID-19 State of Emergency.)	
In the Matter of the Application of)	
Ohio Power Company for Approval of)	Case No. 20-604-EL-AAM
Certain Accounting Authority.)	
In the Matter of the Application of)	Case No. 20-734-EL-AEC
Ohio Power Company for Approval of)	
A Reasonable Arrangement.)	

**COMMENTS REGARDING AEP’S TEMPORARY PLAN ADDRESSING
THE CORONAVIRUS EMERGENCY
BY
THE OFFICE OF THE OHIO CONSUMERS’ COUNSEL**

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I. INTRODUCTION

Consumers are facing perilous times – a health crisis and an ensuing personal-finance crisis. AEP’s proposed plan for dealing with this emergency should be amended to achieve important consumer protections. AEP’s plan is focused on ensuring that any costs it incurs as a result of actions taken during this emergency are ultimately collected from consumers. The PUCO should require other actions by AEP to protect its 1.5 million consumers during this emergency.

On April 15, 2020, the editorial board of The New York Times published an editorial under the headline, “Stop Dawdling. People Need Money.”¹ The Times editorial included the following words about the current suffering of Americans:

The economic shutdown caused by the coronavirus has left a growing number of American families desperately short of money. Images of hundreds of cars [waiting in long lines](#) at food banks across the country have become a symbol of the crisis, a contemporary equivalent of the old black-and-white images of Americans standing in bread lines during the Great Depression.

To [ease the pain](#), at least a little, Congress voted in late March to send \$1,200 each to most American adults. In this era of high-speed trading, digital wallets and instant payments, one might have imagined that the federal stimulus payments would be distributed quickly, too.

Instead, the first large wave of payments is only landing in bank accounts on Wednesday.

And tens of millions of Americans won’t get their stimulus payments until May — or later.²

The Office of the Ohio Consumers’ Counsel (“OCC”), the state advocate for Ohio’s residential utility customers, appreciates the opportunity to comment on AEP’s emergency plan. The plan needs additional consumer protections, if it is to be approved.

The PUCO should not approve AEP costs for charging to consumers unless, at a minimum, the costs are associated with AEP’s actions taken during the emergency and the costs meet Ohio ratemaking standards, including that they are prudent and necessary. AEP’s actions should be intended to safeguard or promote goals for averting a deeper health crisis, such as social distancing. AEP’s actions should protect consumers during the emergency and in some instances for a reasonable timeframe thereafter. Further, added costs due to the emergency

¹ <https://www.nytimes.com/2020/04/15/opinion/coronavirus-stimulus-check-payment.html>

² *Id.*

should be offset by costs the utility avoids during the emergency, with any charges to consumers reflecting that netting. The PUCO should not permit cost allocations or revenue shifting from one class of customers to another.

During this state of emergency, the PUCO should consider additional measures to protect consumers that are not included in AEP's plan. Money owed by AEP to consumers should be returned as soon as possible. Pending increases in AEP's charges to consumers should be put off until a reasonable time after the emergency (or the PUCO decides otherwise). And all "non-essential" services that AEP provides should be suspended until a reasonable time after the emergency (or the PUCO decides otherwise).

II. HISTORY

On March 9, 2020, Governor DeWine declared a state of emergency to protect the health and safety of Ohioans from the dangerous effect of the coronavirus pandemic.³ These are perilous times for Ohio families throughout our great State, with a health crisis and ensuing personal-finance crisis. At this time of Governor DeWine's strong leadership to rally Ohioans to fight back against the virus, the PUCO's initiative in declaring an emergency to shield Ohioans from utility disconnections, door-to-door energy sales, and more is vitally important.

On March 12, 2020, the PUCO opened a docket and ordered utilities to "ensure that utility service to customers is maintained during the state of emergency." The PUCO directed all utilities to review their service disconnection policies, practices, and tariffs and promptly seek approval to suspend requirements that may "impose a service continuity hardship on residential

³ See Executive Order 2020-01D.

and non-residential customers” or “create unnecessary COVID-19 risks associated with social contact.”⁴

AEP filed its initial temporary plan to deal with the emergency on March 17, 2020, its first amended temporary plan on March 24, 2020, and its second amended temporary plan on April 9, 2020 (collectively, “Emergency Plan”), with each filing in different cases. As the PUCO reviews AEP’s Emergency Plan, it should consider that in the coming months and potentially years, many Ohioans will struggle to pay their utility bills. Those Ohioans with financial challenges will include customers who have historically paid their bills in full and on time but who may be unable to continue doing so following the economic fallout of the coronavirus pandemic. Ohio businesses and families will face financial burdens that were unforeseeable just a few months ago. As a result of lost wages, unemployment, and other financial hardships from the coronavirus, the need to make sure that all customers pay only fair, just, and reasonable rates is especially heightened.

III. FOR CONSUMER PROTECTION, THE PUCO SHOULD NOT APPROVE AEP’S CHARGES TO CONSUMERS UNLESS, AT A MINIMUM, AEP’S PROPOSED CHARGES ARE FOR COSTS THAT ARE PRUDENT, NECESSARY, AND MEET OTHER RATEMAKING STANDARDS.

Disconnections of consumers during this state health emergency would be dangerous for AEP’s customers, especially when those customers will be spending more time at home, putting social distancing into practice. AEP’s Emergency Plan addresses many concerns that this state of emergency has created. But it is essential that AEP’s customers are not harmed in the long term to protect their health and safety in the short term. Therefore, the PUCO should not

⁴ See Entry at ¶ 6(a).

approve AEP's charges to consumers unless, at a minimum, the charges are for costs that are prudent, necessary, and meet other ratemaking standards.

A. To protect consumers, all disconnections for non-payment should be suspended until a reasonable period after the coronavirus State of Emergency has ended.

1. Disconnections generally should be suspended until a reasonable period after the coronavirus state of emergency has ended.

AEP's Emergency Plan complies with the PUCO's Order in the Generic Emergency Case that requires utilities to suspend disconnections of customers due to non-payment. When it comes to disconnections due to non-payment, there should be no uncertainty. The PUCO should be clear in its Order in this case (and in all other electric emergency cases) that no customer may be shut off due to non-payment beginning at least as of March 9, 2020. This Order should remain effective for a reasonable time after the coronavirus emergency has ended. This will literally "keep the lights on" for thousands of AEP's customers during this difficult time. It will permit AEP's customers time to recover from the physical and financial damage that the coronavirus emergency has caused even after the state of emergency has ended.

OCC appreciates that the PUCO has banned disconnections during the formal emergency. But in some ways personal emergencies may exist for some consumers for an unknown period of time after the emergency ends. So the ban on disconnections should continue for a reasonable period after the formal emergency ends when the extent of circumstances of the emergency are better understood.

Such provisions should specifically be made available to any AEP customer, including and especially those participating in the Percentage of Income Payment Plan ("PIPP").

2. Additional consumer protections should be extended to PIPP customers.

The PUCO should expressly Order that AEP's PIPP participants will not be disconnected for non-payment and will receive the benefit of collection waivers. Further, AEP's PIPP participants should not be dropped from the PIPP program if their re-verification is disrupted during the declared state of emergency. The financial impact of the medical emergency will likely continue for some time after the declared state of emergency ends. PIPP customers represent the neediest of the needy in our society and are especially vulnerable at this time.

B. To protect consumers, AEP should reconnect customers that were cut off thirty (30) days before March 9, 2020 due to non-payment.

AEP should be ordered to reconnect customers who have had service recently shut off due to non-payment. The PUCO should establish a look-back period in this case (and make it applicable to other electric utilities' emergency plans). To protect consumers, the look-back period should begin at least thirty (30) days before the Governor's Order on March 9, 2020. Additionally, the PUCO should order that all reconnection fees, deposits, and accumulated late fees during the emergency, including any look-back period, be waived (deferred) and refunded to those customers if already collected.

C. The PUCO should require extended payment plans to enable at risk customers to remain connected to service.

Several of the electric utilities have indicated that they would "work with their customers on a case-by-case basis to determine reasonable payments"⁵ or some offered to be "extremely flexible with customers who reach out to make payment arrangements."⁶ But none of them,

⁵ See DP&L Application at 5.

⁶ See Duke Application at 4.

including AEP, has specified exactly what such flexibility means, or how reasonable payments will be determined.

The PUCO should take the opportunity in this case to be specific. At a minimum, the PUCO should impose a reasonable time period during which AEP's customers enter payment plans for paying back any past-due amounts caused during this state of emergency. This will provide some relief to AEP customers who have lost income due to the coronavirus while still allowing AEP to collect revenues for electric service.⁷

D. To protect consumers, AEP should not be permitted to lessen safety standards when person-to-person contact is unlikely.

AEP's Emergency Plan takes steps to limit person-to-person interactions.⁸ When reasonable, such steps should be incorporated into any PUCO Order addressing the state of emergency including, but not limited to, shutting down in-person payments whenever possible and limiting meter reading at a home whenever possible. But other requests made by AEP would harm consumers. Delaying field inspection requirements under O.A.C. 4901:1-10-27 is an example.⁹

Repairs necessary to maintain the reliability of AEP's system should continue unless they involve unnecessary person-to-person interaction with customers. As the PUCO Staff stated in its Staff Report in this case: "most field inspections do not necessarily require social contact, however, Staff recognizes that some inspections may lead to social contact. Staff recommends that the Company record, track and proactively provide to Staff the inspections that that have

⁷ See R.C. 4928.02 (L).

⁸ See *Id.* at 4; see also *id.* at 7, 9; see also *In re the Ohio Power Company's Second Amended Application*, Case No. 20-734-EL-AEC at 11-12 (April 17, 2020) ("AEP Reasonable Arrangement"); see also AEP Reasonable Arrangement at 4.

⁹ See AEP Reasonable Arrangement at 13.

been delayed [due to requiring social contact] and a time for when the inspection has been rescheduled on a monthly basis.”¹⁰ The PUCO should adopt the Staff’s position as a part of AEP’s Emergency Plan.

E. The details of AEP’s Emergency Plan information must be provided to all of its customers to better enable them to adequately protect their interests.

Information regarding AEP’s Emergency Plan must be effectively communicated to its customers. AEP’s customers deserve to be, and should be, well-informed about what their rights and options are during the state of emergency. The PUCO should develop a plan to educate and inform customers of their rights during this emergency. All reasonable methods of communication should be used. For example, use of bill inserts, public service announcements, social media, and working with social service agencies should be explored.

IV. TO PROTECT CONSUMERS, THE PUCO SHOULD NOT PERMIT EXPENSES AND CHARGES TO BE SHIFTED BETWEEN RATE CLASSES.

AEP’s Emergency Plan states that waived and suspended fees should be consolidated (aggregated) and that AEP should be able to collect those fees at a later date.¹¹ AEP has proposed simply adding all of the waived fees on to the customer’s bill once the state of emergency has passed.¹²

To protect consumers, the PUCO should not adopt AEP’s proposals. Such actions will only extend the economic damage felt by those AEP customers most harmed by the coronavirus emergency. Further, such requests contain too many unknowns and present opportunities for abuse (such as shifting costs between customer classes). As the PUCO Staff points out, the exact

¹⁰ See *id.*, Staff Report at 2 (April 20, 2020).

¹¹ See AEP Application at 4, 7-8.

¹² See *id.* at 4.

amount of incremental costs and lost revenues, if any, to be deferred is unknown.¹³ Such requests also ignore the fact that the PUCO usually disfavors the use of regulatory assets unless they pass stringent scrutiny.¹⁴ These actions are harmful to AEP's customers and could lead to cost shifting among customer classes. Also, AEP's proposals for rate increases should not be adopted when it is unclear how other PUCO actions could minimize any potential losses to AEP.

To benefit customers in these difficult times, all late fees and credit card fees should be waived as of March 9, 2020 and deferred for subsequent collection. AEP should also be required to waive any fees it may impose on returned checks. Such policies would permit AEP's customers to begin recovering both physically and economically from the damage caused by the coronavirus.

AEP's plan to waive late fees for only commercial and industrial customers and defer the fees for later collection is wrong.¹⁵ It does not sufficiently protect all consumers. To protect all consumers, the PUCO should order that AEP's residential consumers and business customers should not have to pay extra charges (e.g., late fees, credit card fees, fees on returned checks) during the health and financial crises.¹⁶ Deferring such charges will help in the recovery from the coronavirus emergency.

¹³ See *id.*, Staff Report at 3.

¹⁴ See *In re Joint Application of Ohio Edison Co., The Cleveland Elec. Illuminating Co., & The Toledo Edison Co.*, Case No. 05-704-EL-ATA, Opinion & Order at 8-9 (Jan. 4, 2006) ("Although the granting of such deferral authority is within the discretion of the Commission, we believe that to approve such a measure requires that we find there to be both exigent circumstances and good reason demonstrated before such amounts should be treated differently from ordinary utility expenses.").

¹⁵ See AEP Application at 5 (AEP states that it will only waive late fees for commercial and industrial customers).

¹⁶ For example, according to the United States Department of Labor, for the week ended March 21, 2020, unemployment claims were estimated at over 187,000. See United States Department of Labor News Release (March 26, 2020). In the aggregate, the number of unemployment claims in March 2020 are 1587% more than they were in March 2019. Further, poverty affects 14% of Ohioans. See Ohio Poverty Report, Ohio Development Services Agency (February 2019) at 6, <https://development.ohio.gov/files/research/P7005.pdf>. And 14.5% of Ohioans experience food insecurity. Map the Meal Gap 2019,

Even if the PUCO were to allow AEP to collect these “waived” fees, other expenses, and lost revenues from customers during this emergency, AEP’s residential customers should not be asked to subsidize any costs AEP incurs or benefits it provides to commercial and industrial customers during this emergency. That is especially applicable when AEP’s residential customers are experiencing the deleterious economic impacts of the coronavirus.

AEP’s is requesting that minimum demand charges on commercial and industrial customers be temporarily stopped. And AEP wants those foregone business-customer charges added onto the bills of other customers to pay (including residential customers).¹⁷ That would be harmful to residential customers. Any money that AEP loses from temporarily stopping minimum business demand charges should ultimately be collected from those customers that will benefit from the reduced costs – commercial and industrial customers – not those that do not – residential customers.¹⁸

By comparison, Duke’s proposal to temporarily stop minimum demand charges and to collect the charges later from those very same business customers, is more fair. Under Duke’s approach, the customers that benefit from the temporary proposal (commercial and industrial) are the customers that should eventually pay for that benefit.¹⁹ Passing such costs instead onto AEP’s residential customers would injure residential customers and burden them when they do not receive the benefit.

https://public.tableau.com/profile/feeding.america.research#!/vizhome/2017StateWorkbookPublic_15568266651950/CountyDetailDataPublic

¹⁷ See AEP Reasonable Arrangement at 5.

¹⁸ See *id.* at 8.

¹⁹ See *In re the Application of Duke Energy Ohio, Inc., Under the Commission’s Proceedings During the Declared State of Emergency, for a Reasonable Arrangement with Customers Served Under Rates DS, DP, and TS*, Case No. 20-856-EL-AEC, et. al. at 9-10 (April 16, 2020) (“Duke Reasonable Arrangement”).

If AEP waives minimum demand charges for commercial and industrial customers, then the PUCO should order AEP to follow Duke's model.

V. TO PROTECT CONSUMERS, THE PUCO SHOULD ORDER AEP TO TRACK COSTS THAT IT AVOIDS DUE TO THE STATE OF EMERGENCY, AND USE SUCH COST SAVINGS TO OFFSET OTHER EMERGENCY COSTS ASSOCIATED WITH AEP'S EMERGENCY PLAN.

The PUCO Staff recommended in its Staff Report that all of AEP's incremental costs and revenues be tracked.²⁰ Consistent with this recommendation, the PUCO should Order AEP to track expenses that were *not* incurred during this state of emergency. Such avoided expenses should be used to offset expenses associated with its emergency plan that AEP is later allowed to collect from customers. Certain postponed actions and deferred activities will no doubt occur and actually reduce AEP's overall expenses. Specifically, some of these activities include, but are not limited to, any furloughs or reduction in salaries, reductions in employee numbers, meter readings, reduced travel expenses, and maintenance items. It is only reasonable that the expenses that AEP *does not* incur due to the emergency should be tracked so that they can offset the expenses that AEP *does* incur due to the emergency.

Additionally, certain costs that AEP will incur during the emergency may already be included in AEP's base rates.²¹ Staff pointed to one such example of costs already included in AEP's base rates involving AEP's IT employees in its Staff Report.²² Another example could be labor and fleet expenses required to do disconnections that will no longer be done during the emergency. This expense is duplicative because this same labor and fleet will be used to

²⁰ See AEP Reasonable Arrangement, Staff Report at 3.

²¹ See *id.* at 4.

²² See *id.*

perform the reconnections mentioned earlier. Obviously, consumer protection requires that duplicative collections from customers should be prohibited.

V. THE PUCO SHOULD ORDER THAT AEP ADOPT ADDITIONAL CONSUMER PROTECTIONS IN ITS EMERGENCY PLAN.

In addition to causing severe health concerns, the coronavirus emergency has had a devastating impact on consumers' finances. Jobs have been lost, unemployment has increased, and wages have been reduced. In light of that devastating impact, the PUCO should add additional consumer protections to AEP's Emergency Plan.

A. To help consumers in this state of emergency, money owed by AEP to consumers should be returned to consumers quickly.

There are several cases in which the PUCO has determined that AEP owes its customers money. There are other cases where it is apparent that AEP owes its customers money, but the PUCO has not yet made a decision in those cases. In those instances where it has been determined that AEP owes its customers money, the PUCO should quickly order AEP to return the money to consumers. In those instances where it is apparent that AEP owes its customers money, the PUCO should make its decision quickly so that AEP can return the money to customers quickly.

1. AEP owes customers \$2.1 million, which should be returned to customers quickly for consumer protection.

In documents filed at the PUCO, AEP has admitted that it owes its residential and general service customers \$2.1 million²³ because it overcharged customers under one of its 31 riders, the Phase-In Recovery Rider.²⁴ Instead of returning the \$2.1 million to customers, AEP

²³ See *In the Matter of the Fuel Adjustment Clause for Columbus Southern Power Company and Ohio Power Company*, Case Nos. 09-872-EL-FAC et al, Entry (Feb. 27, 2019).

²⁴ See Ohio Power Tariff Sheet Nos. 104-1D and 104-2D.

proposes to divert that money owed to its consumers to the Ohio Hospital Association as a charitable contribution from its customers.²⁵ The PUCO Staff recommends rejecting AEP's proposal.²⁶ The \$2.1 million should be "used to assist residential customers due to the COVID 19 pandemic and whose energy usage may have increased due to the stay at home orders."²⁷ Such assistance, according to the PUCO Staff, could help residential customers maintain service, preventing an increase in the bad debt and Universal Service Fund riders.²⁸

To protect consumers, AEP's proposal to give consumers' money to the Ohio Hospital Association should be rejected. AEP's residential and general service customers are owed this money. They sorely need it in this time of crises. Further, customers should not be, and cannot be,²⁹ forced to fund AEP's charitable contributions. The PUCO should Order AEP to return consumers' money to them immediately,³⁰ with compounded interest, beginning at the date that the rider expired for each customer class. For residential customers, the interest would accrue starting on August 29, 2018.³¹

²⁵ AEP's Amended Application at pages 6-7.

²⁶ Staff Report at 3.

²⁷ *Id.*

²⁸ *See id.*

²⁹ *Ohio Mfrs' Asso. v. Public Utilities Com.*, 46 Ohio St. 2d 214, 217 (1976) ("Although the foregoing regulatory powers [in an emergency] are broad, the General Assembly has granted no such power to the commission for the regulation of *consumers*.")

³⁰ The PUCO Staff's recommendation that all of the \$2.1 million should go to residential customers is appreciated. But under the Phase-in Recovery Rider residential customers and general service customers were overcharged by different amounts. The PUCO should order refunds according to the overpayments made by each class of customers. AEP's residential customers were overcharged by \$1 million; they should receive a \$1 million refund. AEP's general service customers were overcharged by \$1.1 million; they should receive a \$1.1 million refund. The PUCO should avoid shifting revenues (and expenses) between customer classes.

³¹ *See* Case No 09-872-EL-FAC et al., updated tariffs filed August 28, 2018.

2. The PUCO should act quickly to protect consumers and enter an order in those cases where AEP owes customers money from previous overcollections.

In a case involving a review of AEP's tree trimming rider,³² it is apparent that AEP owes consumers approximately \$9 million due to overcollections. There is no meaningful dispute that approximately \$9 million is owed to consumers. AEP itself does not dispute that all overcollections should be returned to consumers.³³

The same is true in another case involving the review of AEP's Storm Damage Recovery Rider – it is apparent that AEP has over-collected \$5.2 million from customers.³⁴ Because of low expenditures in 2018, money is owed to customers, approximately \$5.2 million (a monthly credit to residential customers of \$2.56).³⁵ AEP has filed a letter with the PUCO indicating its agreement with the Staff's findings.³⁶

There is no meaningful factual dispute in these cases. They should be ruled upon quickly so that AEP can return the money it owes to consumers quickly.

B. To protect consumers, any pending rate increases should be deferred until after the emergency ends (or the PUCO determines otherwise).

AEP has a number of cases pending where it is requesting an increase in charges to consumers. For example, AEP is requesting an increase in charges for its Pilot Throughput Balancing Adjustment Rider (which guarantees AEP revenues),³⁷ its Economic Development Cost Recovery Rider (which requires all customers to subsidize electricity discounts to certain

³² Case No. 9-1747-EL-RDR.

³³ See *id.*, AEP's Reply Comments (February 25, 2020) at 3-4.

³⁴ Case No. 19-963-EL-RDR.

³⁵ See, e.g., *id.* at Staff Report (July 26, 2019).

³⁶ See, e.g., *id.* at AEP Letter (August 2, 2019).

³⁷ Case No.20-0530-EL-RDR.

large customers),³⁸ and its Storm Damage Recovery Rider.³⁹ In this time of emergency due to the coronavirus – where consumers are dealing with lost jobs, lost wages, and associated challenges – increased charges should be deferred with minimal carrying charges until after the emergency ends (or the PUCO determines otherwise).⁴⁰ This will enable consumers to deal with the impact of the state of emergency and recover from the financial impact it has had (and will have).

C. Work on, and charges for, “non-essential” utility services should be suspended until the emergency ends (or the PUCO determines otherwise).

Maintaining essential utility service to consumers in this emergency is crucial. Equally as important is helping consumers deal with the financial hardships they are facing as a result of the emergency. While making sure that essential utility service is maintained must be done, “non-essential” utility services (and charges for them) should be suspended. Essential utility services are those necessary to make sure that AEP has necessary and adequate facilities to provide basic reliable service to customers. Non-essential services are those not needed to provide basic utility services to customers.⁴¹

AEP’s proposal is reasonable to expand eligibility and funding opportunities in its existing voluntary assistance programs such as its “Neighbor-to-Neighbor” Program.⁴² Such programs provide assistance to Ohioans experiencing financial hardships and will be sorely

³⁸ Case No. 20-349-EL-RDR.

³⁹ Case No. 20-0859-EL-RDR.

⁴⁰ As part of AEP’s most recent debt issuance of \$350 million of 10-year senior debt on March 13, 2020, AEP’s interest rate was 2.60%. See AEP SEC filing at <http://d18rn0p25nwr6d.cloudfront.net/CIK-0000073986/7371d7b1-2890-4f68-89ff-dcd2bb821a5d.pdf>.

⁴¹ See R.C. 4905.22.

⁴² See AEP Application at 6.

needed in the uncertain times in the coming future. But there needs to be more done on behalf of financially struggling customers.

One such opportunity lies within the energy efficiency subsidies collected by AEP. Energy efficiency programs are not essential to the provision of reliable electric service to consumers. In fact, the Ohio General Assembly recently passed legislation (H.B. 6, codified at R.C. 4928.66) that repealed the energy efficiency mandates and terminated electric energy efficiency programs as of December 31, 2020. AEP is winding down its energy efficiency program, which is to end December 31, 2020. Under the PUCO's emergency authority in R.C. 4909.16, the "wind-down" of AEP's energy efficiency program should be accelerated.⁴³ Such an Order will assist tens of thousands of individuals in paying their utility bills during and after the declared state of emergency.

Additionally, AEP's work on, and charges to consumers for, the SmartCity Rider and⁴⁴ GridSmart⁴⁵ could be suspended until after the emergency ends (or the PUCO decides otherwise) without interrupting AEP's delivery of essential electric service. Such non-essential activities should be suspended, as "non-essential" services, to protect consumers from paying charges related to these non-essential activities until some future time the PUCO determines the activities are warranted.

⁴³ See Case No. 16-0574-EL-POR, Order (February 26, 2020).

⁴⁴ See Case No. 16-1842-EL-SSO. The SmartCity Rider was authorized in the amount of \$21.1 million for participating in various initiatives, including electric vehicle charging stations and microgrids. Through September 30, 2019, AEP had spent approximately \$1.4 million. See Case No. 19-1969-EL-RDR, Revised Application (November 4, 2019).

⁴⁵ See Case 19-1475-EL-RDR (GridSmart Phase 3). In this case, AEP proposes to continue the deployment of AMI meters, Volt-Var Optimization, distribution automation, and broadband communications. The projected cost of the program is \$940 million over a projected 15-year period. Suspending further consideration of GridSmart Phase 3 provides AEP with an opportunity to ensure that customers are receiving the full expected benefits from GridSmart Phases 1 and 2 while giving consumers additional financial tools to deal with the state of emergency.

D. Other consumer protection considerations.

The National Consumer Law Center has published a brief set of recommendations, “Coronavirus Crises: How States Can Help Consumers Maintain Essential Utility Services.” The publication is attached hereto as Attachment A. As the PUCO reviews AEP’s Emergency Plan, the consumer protections in the National Consumer Law Center’s publication should be implemented.

VI. CONCLUSION

For the health and economic security of AEP’s customers, the PUCO should issue an Order that lessens the burden felt by AEP’s residential consumers caused by the coronavirus emergency. Such an Order should permit the suspension of Ohio’s regulatory process only when prudent and necessary. Such an Order should also eliminate unnecessary costs and expenses currently passed onto AEP’s residential customers. The additional steps proposed by OCC to protect customers, but not included in AEP’s Emergency Plan, should be adopted by the PUCO.

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CERTIFICATE OF SERVICE

I hereby certify that a copy of these Comments have been served via electronic transmission upon the following parties of record this 27th day of April 2020.

/s/ William Michael
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The PUCO's e-filing system will electronically serve notice of the filing of this document on the following parties:

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Coronavirus Crisis: How States Can Help Consumers Maintain Essential Utility Services

March 2020

KEEP RESIDENTIAL UTILITY SERVICE ON DURING THE CRISIS

Access to affordable electric, gas, water, sewer, and telecommunications (including internet) services is essential at all times, but especially during a worldwide pandemic and shelter-at-home orders. Throughout the COVID-19 emergency, states should take the following steps to ensure that consumers stay connected to essential utility networks and reduce the need for public interaction:

- Issue an emergency declaration through gubernatorial action banning all regulated and unregulated utility service shut offs, including electric, gas, water/sewer, and telecommunications services, due to inability to pay, during the crisis;
- Order all regulated and unregulated utilities to reconnect customers who were previously disconnected due to inability to pay;
- Ban all in-person marketing and sales of alternative energy supply and distributed energy products during the length of the emergency declaration;
- Encourage low-income households to apply for the federal Lifeline phone and broadband program for free or discounted voice and data service;
- Adjust state Low Income Home Energy Assistance Program (LIHEAP) application deadlines, enrollment access and eligibility certification processes; and

ENSURING THAT UTILITY SERVICE IS AFFORDABLE FOR ALL

After emergency orders have been lifted, states should ensure that utility arrearages incurred during the crisis do not trigger disconnections. States should require all utility service providers, both regulated and unregulated, to adopt more flexible credit and collections practices than currently required by state regulations and unregulated utility policies. Such protections should:

- Eliminate any customer deposit requirements;
- Eliminate down payment requirements on deferred payment arrangements (DPAs);
- Allow flexible, reasonable DPAs that are based on the customer's ability to pay;
- Eliminate any requirement that disconnected customers pay the full arrearage in order to reconnect, thereby permitting reconnection upon issuance of an affordable DPA;
- Eliminate minimum balance requirements for prepaid utility service customers;
- Require utilities to write off debt for consumers who certify that they are eligible for LIHEAP, but are unable to receive LIHEAP due to insufficient LIHEAP funds; and
- Prohibit utilities from imposing late fees and engaging in negative credit reporting

Questions? Contact National Consumer Law Center advocates Jen Bosco (jbosco@nclc.org), Charlie Harak (charak@nclc.org), John Howat (jhowat@nclc.org), Karen Lusson (klusson@nclc.org) or Olivia Wein (owein@nclc.org).

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Summary: Comments Comments Regarding AEP's Temporary Plan Addressing the Coronavirus Emergency by the Office of the Ohio Consumers' Counsel electronically filed by Ms. Deb J. Bingham on behalf of Michael, William J. Mr.