

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of The Dayton Power and Light Company for Approval of Certain Accounting Authority))))	Case No. 20-650-EL-AAM
In the Matter of the Application of The Dayton Power and Light Company for Approval of its Temporary Plan for Addressing the COVID-19 State of Emergency)))))	Case No. 20-0651-EL-UNC
In the Matter of the Application of The Dayton Power and Light Company for Waiver of Tariffs and Rules Related to the COVID-19 State of Emergency)))))	Case No. 20-0652-EL-WVR
In the Matter of the Application of The Dayton Power and Light Company for Approval of Revised Contract with Certain Customers and Reasonable Arrangement Related to the COVID-19 State of Emergency))))))	Case No. 20-755-EL-AEC

COMMENTS OF THE OHIO ENVIRONMENTAL COUNCIL

I. Introduction

Pursuant to the procedural schedule established by the Public Utilities Commission of Ohio (the “Commission” or “PUCO”) for Case Nos. 20-650-EL-AAM, 20-651-EL-UNC, 20-652-EL-WVR, and 20-755-EL-AEC, the Ohio Environmental Council (“OEC”) submits these comments regarding Dayton Power & Light’s (the “Company” or “DP&L”) proposed plan for addressing the COVID-19 state of emergency. DP&L’s plan came in response to an Entry in Commission-initiated Case No. 20-591-AU-UNC, *In the Matter of the Proper Procedures and Process for the Commission’s Operations and Proceedings During the Declared State of Emergency and Related Matters*, requesting that all public utilities under its jurisdiction “review their service disconnection

policies, practices, and tariff provisions and to promptly seek any necessary approval to suspend otherwise applicable requirements that may impose a service continuity hardship on residential and nonresidential customers or create unnecessary COVID-19 risks associated with social contact” due to the declared state of emergency. (*State of Emergency Proceeding*, Mar. 13, 2020, Entry at ¶ 1.) In response, DP&L has filed in the above-captioned cases, an Application (Mar. 23, 2020) and a Supplemental Application (Apr. 15, 2020), and PUCO Staff has filed its Review and Recommendation (Apr. 22, 2020), to which the OEC now respond in these Comments.

II. Comments

The OEC appreciate the Commission’s expedient action to ensure protection of Ohioans’ basic needs and minimize the hardships faced in light of the COVID-19 pandemic. Additionally, OEC is generally supportive of the proposed plan set out by DP&L, subject to the comments set forth below, and appreciates the Company’s recognition of the unprecedented nature of these circumstances and steps that must be taken to ensure all Ohioans are protected during this crisis.

Environmental justice communities across Ohio--just as they are when climate impacts affect our state--will be the most at-risk population as a result of the COVID-19 pandemic, often living in communities in closer proximity to significant sources of air pollution and suffering from increased rates of asthma. These communities include Ohioans who live in some of our poorest and most polluted environments, who will be the most severely impacted financially as a result of job loss and economic collapse, as well as most at-risk for COVID-19 and complications therefrom due to subpar air quality. With these communities in mind, the OEC submits the following comments on the Company’s proposed plan and Staff’s Recommendation.

A. Duration of the Temporary Cessation of Disconnection of All Residential and Non-Residential Customers, and Removal of Financial Barriers to Reconnection or Continuity of Service

The OEC supports the Company's disconnection and continuity of service plan, and agree that suspending disconnections and removing financial barriers to reconnection or continuity of service, including charging deposits, late fees for commercial customers, and reconnection fees, are appropriate and necessary steps given the current circumstances.

However, DP&L failed to identify an end-date for the disconnection and continuity of service plan. Staff has recommended that if the Commission approves the waivers requested by DP&L they should be “valid for a temporary period of time and if any additional time is necessary, the Company should be required to submit an additional application”. However, DP&L’s proposal should continue throughout the declared state of emergency and for a period of time thereafter to ensure appropriate plans can be made to properly recover from the emergency.

In such uncertain times, the Commission should be extending the disconnection and service continuity plan long enough to ensure appropriate plans can be put in place to address the crisis facing our state, and ensure that a return to the normal procedures will not exacerbate problems currently being faced. Ohioans are being laid off in record numbers, and ensuring that we have a stable environment for utility customers is critical prior to lifting the important measures in the disconnection and service continuity plan proposed by DP&L. As we move into summer, the need to ensure continued electric service will only grow more critical. A nationwide study showed that a one unit increase of atmospheric particulate matter lead to a 15% increase in the COVID-19 death rate, and environmental justice communities across Ohio will be the hardest hit if they are unable to keep their homes properly sealed and cooled.

DP&L customers should be given a reasonable period of time to ensure proper recovery from the emergency, and that reasonable period should be determined in conjunction with Staff and consider stakeholder input, to ensure all perspectives and hardships are thoroughly considered, prior to removing these incredibly important disconnect and continuity of service changes. If additional analysis is not done prior to reverting back to normal processes at the end of the declared state of emergency, the Commission runs the risk of compounding the problems related to bill payment and disconnects that this very order is seeking to remedy.

The OEC therefore recommends that DP&L's planned suspension of disconnections and removal of financial barriers to reconnection or continuity of service only be discontinued after a reasonable period of time in which Staff, the DP&L, and stakeholders are able to assess whether it is appropriate to return processes to normal.

B. Deferred Costs

Additionally, DP&L proposed as part of its plan to defer foregone charges, including waived reconnection and late fees, and minimum billing demand credits, as a regulatory asset for subsequent recovery. Because the scope of this increased spending is currently unknown, including as to what amounts on which items proposed by the DP&L, the Commission should not grant blanket approval of recovery of these deferred costs. Instead, the OEC recommends, as does Staff, that the Commission not guarantee recovery until the deferred amounts have been reviewed and analyzed in future proceeding(s) before the Commission. As Staff notes, recovery of the deferred amounts, including, but not limited to, issues such as prudence, proper computation, proper recording, reasonableness, and any potential double-recovery, should be subject to a future proceeding and considered at the time DP&L files the future application(s) to recover those

deferred amounts. (*Staff Review and Recommendation*, at 5, Apr. 22, 2020). Granting a blanket approval now would result in unknown future costs, and to ensure customers are only subject to costs which meet the tests set forth by this Commission, including determination of which customers classes are responsible for which costs, the OEC urges the Commission to adopt Staff's recommendation as to deferred costs.

C. Reasonable Arrangement

DP&L has also requested to waive demand charges for all non-residential customers as part of its proposed plan. DP&L proposes that the forgone demand charges be either (1) deferred for later recovery or (2) recovered through the Economic Development Rider ("EDR") to socialize the costs as is typically done with Reasonable Arrangements under R.C. 4905.31. Recovery through the EDR, however, would socialize the recovery to *all* customer classes. This proposal should be rejected. Only customer classes causing those costs deferred should be required to repay the costs after this period of crisis ends. Basic fairness and equity demand that residential customers, who may already be in a precarious financial position, be protected from bailing out commercial and industrial customers from costs that do not benefit them.

III. Conclusion

The Ohio Environmental Council appreciates the Commission's prompt attention to this urgent matter affecting Ohioans, and urges adoption of the plan put together by DP&L subject to

the recommendations contained herein.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was served upon all parties of record via electronic mail on May 4, 2020.

/s/Miranda Leppla _____
Miranda Leppla

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Summary: Comments of the Ohio Environmental Council electronically filed by Ms. Miranda R Leppla on behalf of Ohio Environmental Council