

## THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE JOINT  
APPLICATION OF THE RETAIL ENERGY  
SUPPLY ASSOCIATION AND CERTAIN  
COMPETITIVE RETAIL SUPPLIERS FOR  
WAIVER OF THE CURRENT SUSPENSION  
OF IN-PERSON MARKETING TO  
CUSTOMERS IN OHIO.

CASE NO. 20-1040-GE-UNC

### ENTRY

Entered in the Journal on May 19, 2020

{¶ 1} AEP Energy, Inc., Direct Energy Business, LLC, Direct Energy Services, LLC, Energy Harbor LLC, Energy Professionals of Ohio, Interstate Gas Supply, Inc., and Vistra Energy Corp. are certified by the Commission to provide competitive retail electric services (CRES) and/or competitive retail natural gas services (CRNGS) in Ohio pursuant to R.C. 4928.08 and R.C. 4929.20, and are thereby subject to the Commission's jurisdiction pursuant to R.C. 4928.16 and R.C. 4929.24. The Retail Energy Supply Association is a national group of CRES and CRNGS suppliers.

{¶ 2} R.C. 4909.16 provides, in part, that, in the event of an emergency, when the Commission finds it necessary to prevent injury to the business or interests of the public or of any public utility, it may temporarily alter, amend, or suspend any existing rates or schedules.

{¶ 3} On March 9, 2020, the governor signed Executive Order 2020-01D (Executive Order), declaring a state of emergency in Ohio to protect the well-being of Ohioans from the dangerous effects of COVID-19. As described in the Executive Order, state agencies are required to implement procedures consistent with recommendations from the Department of Health to prevent or alleviate the public health threat associated with COVID-19. Additionally, all citizens are urged to heed the advice of the Department of Health regarding this public health emergency in order to protect their health and safety. The Executive Order was effective immediately and will remain in effect until the COVID-19 emergency no

longer exists. The Department of Health is making COVID-19 information, including information on preventative measures, available via the internet at [coronavirus.ohio.gov/](https://coronavirus.ohio.gov/).

{¶ 4} Pursuant to R.C. 3701.13, the Ohio Department of Health has supervision of “all matters relating to the preservation of the life and health of the people” and the “ultimate authority in matters of quarantine and isolation.” On March 12, 2020, the Director of the Ohio Department of Health issued an Order indicating that “all persons are urged to maintain social distancing (approximately six feet away from other people) whenever possible.”

{¶ 5} On March 12, 2020, the Commission opened Case No. 20-591-AU-UNC and directed all utility companies in this state to review their disconnection policies and procedures in light of the state of emergency. *In re the Proper Procedures and Process for the Commission’s Operations and Proceedings During the Declared State of Emergency and Related Matters*, Case No. 20-591-AU-UNC (*Emergency Case*), Entry (Mar. 12, 2020) at ¶ 7. On March 13, 2020, the Commission extended its winter reconnection order through May 1, 2020, and directed all utility companies in this state to review their reconnection procedures. *Emergency Case*, Entry (Mar. 13, 2020) at ¶ 6. Finally, on March 17, 2020, the Commission directed all CRES and CRNGS suppliers to immediately suspend all door-to-door and in-store marketing to customers as well as any other sales or solicitation practice that involves in-person contact in this state for the duration of the emergency. *Emergency Case*, Entry (Mar. 17, 2020) at ¶ 7.

{¶ 6} On May 14, 2020, Retail Energy Supply Association, AEP Energy, Inc., Direct Energy Business, LLC, Direct Energy Services, LLC, Energy Harbor LLC, Energy Professionals of Ohio, Interstate Gas Supply, Inc., and Vistra Energy Corp. (collectively, Joint Applicants) filed a joint application. Based on the most up-to-date guidance provided by the governor and the Director of the Department of Health, Joint Applicants request modifications to the in-person marketing restrictions imposed by the Commission through the *Emergency Case* on March 17, 2020. The Joint Applicants’ primary recommendation is to

remove the March 17, 2020 prohibition on direct marketing. In addition, Joint Applicants also provide recommendations regarding tabletop marketing, appointment-based in-person sales, and door-to-door sales, which they maintain will allow for safe, sanitary, reduced touch, and touchless interactions while restarting the retail energy economy. In sum, the Joint Applicants request the Commission to allow the recommencement of all in-person and door-to-door solicitations as soon as reasonably possible.

{¶ 7} In order to assist the Commission in its review of the Joint Applicants' application, the attorney examiner finds that motions for intervention and comments should be filed by no later than May 26, 2020.

{¶ 8} It is, therefore,

{¶ 9} ORDERED, That the procedural schedule set forth in Paragraph 7 be adopted. It is, further,

{¶ 10} ORDERED, That a copy of this Entry be served upon all parties of record and also through the Commission's Electric-Energy and Gas-Pipeline listservs.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/ Anna Sanyal

By: Anna Sanyal  
Attorney Examiner

GAP/kck

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**5/19/2020 4:05:11 PM**

**in**

**Case No(s). 20-1040-GE-UNC**

Summary: Attorney Examiner Entry finding that motions for intervention and comments should be filed no later than 5.26.20. electronically filed by Kelli C King on behalf of Anna Sanyal, Attorney Examiner, Public Utilities Commission of Ohio