

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Joint Application :
For Waiver of the Restrictions on : Case No. 20-1040-GE-UNC
In-Person Marketing :

**COMMENTS OF THE STAFF OF
THE PUBLIC UTILITIES COMMISSION OF OHIO**

I. INTRODUCTION

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 COVID-19 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. 17, 2020) at ¶ 7. 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 with the Commission, requesting that the Commission modify the March 17, 2020 Entry in the Emergency Case to allow competitive retail electric service (CRES) and competitive retail natural gas service (CRNGS) providers (collectively, Suppliers) to resume in-person marketing in Ohio.

II. STAFF COMMENTS

The Joint Applicants request that the Commission allow Suppliers to resume not only in-store marketing to customers, but door-to-door marketing as well. Staff believes that, if the Commission decides to allow Suppliers to resume in-person forms for marketing in and solicitation, it requires Supplier to comply with all applicable guidelines issued by the Ohio Department of Health and the Governor's Office, including the Ohio Director of Public Health's April 30, 2020 Stay Safe Ohio Order, as amended by a subsequent order on May 20, 2020 (Stay Safe Order), and the Governor's Responsible RestartOhio protocols. Further, Staff recommends that Suppliers be required to comply with all Commission rules and orders regarding marketing, soliciting, and enrolling customers, including the requirements contained in Ohio Adm.Code Chapters 4901:1-21 and 4901:1-29. Finally, in order to ensure compliance with the Stay Safe Order and Commission Orders, the CRES/CRNG providers should monitor its in-person employee/agents to ensure that all State protocols and Commission orders are met. The CRES/CRNG's compliance plan should be provided to staff upon request. If the Joint Applicants are unable to comply with the Stay Safe Order and the Responsible RestartOhio protocols while continuing to abide by the Commission's rules, then Staff believes any waiver of the Commission's rules should be handled in separate proceedings. Each Supplier may have its own plans for resuming in-person operations in Ohio; therefore, any requests to waive specific Commission rules should be handled on a case by case basis.

Respectfully submitted,

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**On Behalf of the Staff of the
Public Utilities Commission of Ohio**

PROOF OF SERVICE

I hereby certify that a true copy of the foregoing **Comments** submitted on behalf of the Staff of the Ohio Power Siting Board, was served via electronic mail upon the following Parties of Record, this 26th day of May, 2020.

/s/ Robert A. Eubanks

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Summary: Comments of The Staff of The Public Utilities Commission of Ohio
electronically filed by Mrs. Kimberly M Naeder on behalf of PUCO