

**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.)	

**MEMORANDUM CONTRA AEP’S APPLICATION FOR REHEARING REGARDING
PUCO ORDER ADDRESSING CONSUMER PROTECTION DURING THE
CORONAVIRUS EMERGENCY
BY
THE OFFICE OF THE OHIO CONSUMERS’ COUNSEL**

I. INTRODUCTION

The PUCO’s May 6, 2020 Order on AEP’s proposal for consumer protection during this emergency resulted in many consumer protections that OCC advocated for. Protections included suspending disconnections of consumers and temporarily suspending door-to-door energy marketing.

But AEP is asking the PUCO to back away from certain consumer protections in the Order. AEP does not want to educate consumers about future charges they may owe under the

emergency plan. Further, AEP does not want to protect residential consumers from paying for late fees owed by commercial and industrial customers.

To protect consumers, the PUCO should reaffirm the principles that it already recognized in its Order. Consumers should be educated about future charges, as they have a right to know. And residential consumers should not be made to pay the fees owed by commercial and industrial customers. The crisis is not a time for corporate welfare paid by residential Ohioans. AEP's Application for Rehearing should be rejected.

II. RECOMMENDATIONS

A. For consumer protection, the PUCO should reaffirm AEP's obligation to inform its customers about its emergency plan and should reject AEP's Application for Rehearing.

AEP does not want to educate consumers that it will later charge them for foregone credit card fees. And AEP does not want to educate commercial or industrial customers that it will later charge them for suspended late fees.^{1 2} AEP readily admits that it does not want to educate consumers, because they will complain.³ The PUCO should not protect AEP from transparency in government regulation. It's a democracy.

AEP asserts that educating consumers about suspended late fees and foregone credit card fees was not part of its proposed emergency plan and that it is unreasonable to make it do so.⁴ But the PUCO, not AEP, controls this case. (See R.C. Title 49.) Consumers should be informed

¹ See AEP's Application for Rehearing at 3-5.

² See *id.* at 5-7.

³ See *id.* at 4 (regarding suspended late fees); 6 (regarding foregoing credit card fees).

⁴ See, e.g., *id.* at 3-4.

of the AEP charges they may face from this emergency. AEP's effort to leave consumers in the dark about its emergency plan should be rejected.

B. To protect consumers, the PUCO should reaffirm the principle in the Order that temporarily suspended charges should ultimately be paid by those customers who received the benefit of the temporary suspension on charges. Therefore, AEP's Application for Rehearing should be denied.

In its emergency plan, AEP proposed eliminating or offsetting minimum demand charges on commercial and industrial customers and then charging all consumers (including residential consumers) for the revenue AEP lost from not charging commercial and industrial customers.⁵ OCC opposed AEP's proposal, recommending that consumer protection required that benefits under AEP's emergency plan should be paid for by those that receive them.⁶ Agreeing with the principle of OCC's recommendation, the PUCO rejected AEP's proposal. It said: "we agree with certain intervenors that AEP Ohio's recovery of the resulting foregone minimum billing demand revenue should be collected from those commercial and industrial customers that will benefit from the proposal"⁷

In its Application for Rehearing, AEP wants the PUCO to back away from the consumer protection principle that residential consumers should not be charged to pay for commercial and industrial customer benefits. AEP asserts that it is unreasonable and unlawful to limit it to collecting suspended late fees only from the commercial and industrial customers that benefited,

⁵ See, e.g., Order at 10-14.

⁶ See, e.g., *id.*

⁷ *Id.* at 13-14.

because it would receive “complaints.” AEP wants to be able to charge all customers for fees related to certain customers.^{8 9} AEP’s proposal should be rejected.

As a consumer protection, the PUCO was correct to affirm the principle in its Order that benefits received under the emergency plan should be paid for by those who receive them, not those who do not. Consumers are struggling. Wages are lost or reduced, jobs are lost, there are health challenges and uncertainty, all due to the coronavirus emergency. Under such circumstances, a class of utility consumers should not be forced to pay for benefits received by another class of consumers. The PUCO should reaffirm the principle it recognized in its Order and reject AEP’s proposal to charge *all* consumers for suspended late fees and foregone credit card fees regardless of whether they received benefits.

III. CONCLUSION

Consumers are facing perilous times – a health crisis¹⁰ and a personal-finance crisis¹¹ due to the coronavirus. For the health and economic security of *all* of AEP’s customers, AEP’s Application for Rehearing should be denied.

⁸ See AEP’s Application for Rehearing at 6.

⁹ See AEP’s Application for Rehearing at 4-5 (regarding suspended late fees); 6-7 (regarding foregone credit card fees).

¹⁰ 1,657 deaths, 4,998 hospitalizations and 28,454 cases of COVID-19: <https://coronavirus.ohio.gov/wps/portal/gov/covid-19/dashboards/current-trends/>

¹¹ As of May 9, 2020, Ohio reported 1.3 million initial unemployment claims for 2020: <https://jfs.ohio.gov/>

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of this Memo Contra Application for Rehearing has been served via electronic transmission upon the following parties of record this 15th day of June 2020.

/s/ William Michael
William Michael
Assistant Consumers' Counsel

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

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Summary: Memorandum Memorandum Contra AEP's Application for Rehearing Regarding PUCO Order Addressing Consumer Protection During 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.