

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of The Dayton)	
Power and Light Company for Approval of)	Case No. 20-0650-EL-AAM
Ohio Certain Accounting Authority)	
)	
In the Matter of the Application of The Dayton)	
Power and Light Company for Approval of its)	Case No. 20-0651-EL-UNC
Temporary Plan for Addressing the COVID-19)	
State of Emergency.)	
)	
In the Matter of the Application of The Dayton)	
Power and Light Company for Waiver of)	Case No. 20-0652-EL-WVR
Tariffs and Rules Related to the COVID-19)	
State of Emergency.)	
)	
In the Matter of the Application of The Dayton)	
Power and Light Company for Approval of)	
Revised Contract with Certain Customers and)	Case No. 20-755-EL-AEC
Reasonable Arrangement Related to the)	
COVID-19 State of Emergency)	

**OHIO PARTNERS FOR AFFORDABLE ENERGY’S MEMORANDUM CONTRA THE
APPLICATION FOR REHEARING BY THE OFFICE OF THE OHIO CONSUMERS’
COUNSEL**

I. Introduction

On March 9, 2020, Governor DeWine declared a state of emergency regarding the COVID-19 pandemic and the Commission subsequently issued as series of Entries in Case No. 20-591-AU-UNC (Emergency Case) starting on March 12, 2020. On March 23, 2020, Dayton Power and Light (“DP&L”) filed an Application with its plan pursuant to the Commission’s directive in the Emergency Case. On May 20, 2020 the Commission reviewed DP&L’s Application and the intervenors’ Comments and issued its Finding and Order. The Commission

directed DP&L to work with Staff and file a comprehensive transition plan before resuming suspended activities. Finding and Order (May 20, 2020) at ¶50.

On June 19, 2020, the Office of the Ohio Consumers' Counsel (the "OCC") filed an Application for Rehearing alleging four Assignments of Error. In response, Ohio Partners for Affordable Energy ("OPAЕ") submits this memo contra in response to OCC's Application for Rehearing.

II. Argument

A. The OCC's first Assignment of Error should be denied because it is OCC attempting to substitute its judgment for that of the Commission's.

The OCC's first Assignment of Error claims the Commission erred in failing to require DP&L to reconnect any customer who was disconnected for nonpayment within the thirty days or more prior to Governor's March 9, 2020 State of Emergency declaration. While OPAЕ generally agrees that DP&L should work to reconnect its customers (to the extent it has not already) who have been disconnected as a result of the COVID-19 pandemic, OCC's alleged error is not an error at all.

The Commission considered the very request OCC now highlights and found it to be overly strict and unnecessary. Finding and Order at ¶31. The Commission's decision to decline to adopt a recommendation of a party does not amount to an error worthy of rehearing. The OCC's alleged error provides no argument that the Commission's Finding and Order was unreasonable or unlawful. The OCC just rehashed its arguments that were previously denied.

The OCC's first Assignment of Error should be denied.

B. The OCC's second and third Assignments of Error should be rejected as premature.

The OCC's second and third Assignments of Error both attack the Commission's Finding and Order for failing to recognize the ongoing nature of the pandemic and to order and indefinite

suspension on disconnections as a result. The OCC noted that while the Commission rejected these suggestions it did order DP&L to file a transition plan which will be open to comments by intervenors. OCC's Application for Rehearing Memorandum in Support at pp. 3-4.

OPAEC agrees with OCC that the pandemic is an ongoing concern that will need to be monitored closely and it is possible further action by the Commission will be necessary to protect customers during these challenging times. However, blanket, indefinite suspensions are not the best option to protect customers and, in the long-term, can make it harder for customers to get back on track with their utility. Instead, customers should utilize the bill payment assistance options and programs available to them as well as work with their utility to establish payment plans that fit their budgets.

Further, the issues contained in OCC's second and third Assignments of Error are premature as they should be decided in the Commission's consideration of DP&L's transition plan. The Commission has ordered DP&L to file a transition plan and OCC will have the opportunity to comment on it. The Commission can properly decide the issues raised in OCC's second and third Assignments of Error when it considers DP&L's transition plan and other intervenor comments.

The OCC's second and third Assignments of Error should be denied as premature.

C. The OCC's fourth Assignment of Error should be denied because it is simply the OCC attempting to substitute its judgment for that of the Commission's.

The OCC's fourth Assignment of Error claims the Commission erred by failing to adopt the consumer protection recommendations of the National Consumer Law Center as proposed by OCC. The Commission failed to adopt this recommendation.

The OCC did not claim this failure was unreasonable or provide any justification that it was unlawful but still called for the Commission to reverse its decision and adopt the OCC's

reccomendations. OCC's Application for Rehearing Memorandum in Support at p. 5. The OCC simply disagrees with the Commission's decision and is rehashing its already considered and rejected arguments again in attempt to achieve a different outcome. The rehashing of these arguments does not present a basis for modification of the Commission's Finding and Order.

The OCC's fourth Assignment of Error should be denied.

III. Conclusion

For the foregoing reasons, OP AE respectfully request that the Commission deny the OCC's Application for Rehearing.

/s/Robert Dove
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CERTIFICATE OF SERVICE

I certify that The Public Utilities Commission of Ohio's e-filing system will electronically serve notice of the filing of this document on the parties referenced on the service list of the docket card who have electronically subscribed to the case.

/s/ Robert Dove
Robert Dove

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Case No(s). 20-0650-EL-AAM, 20-0651-EL-UNC, 20-0652-EL-WVR, 20-0755-EL-AEC

Summary: Memorandum Contra to the Office of the Ohio Consumers' Counsel's Application for Rehearing electronically filed by Mr. Robert Dove on behalf of Ohio Partners for Affordable Energy