

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Motion to Suspend of)	
Columbia Gas of Ohio, Inc. for Procedures)	Case No. 20-0637-GA-UNC
And Process During the Declared State of)	
Emergency And Related Matters.)	

**OHIO PARTNERS FOR AFFORDABLE ENERGY’S MEMORANDUM CONTRA TO
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. In response to the Commission’s directive in the Emergency Case, Columbia Gas of Ohio (“Columbia”) filed a Motion to Suspend Procedures and Processes on March 18, 2020. On May 20, 2020 the Commission reviewed Columbia’s Motion to Suspend and the intervenors’ Comments and issued its Finding and Order. The Commission directed Columbia to work with Staff and file a comprehensive transition plan before resuming suspended activities. Finding and Order (May 20, 2020) at ¶54.

On June 19, 2020, the Office of the Ohio Consumers’ Counsel (the “OCC”) filed an Application for Rehearing alleging five Assignments of Error. In response, Ohio Partners for Affordable Energy (“OPAE”) 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 both beyond the scope of the hearing and was addressed by the Commission.

OCC's first Assignment of Error claims the Commission erred by failing to require Columbia to repurpose low income weatherization funds to provide bill payment assistance. This alleged error is simply the OCC attempting to reargue the same points the Commission already considered and rejected in this proceeding. The Commission noted that the OCC has already raised this argument in Columbia's DSM proceeding and the Commission would consider it in that docket. Finding and Order at ¶46.

In its Application for Rehearing the OCC provided no legal principle the Commission violated in committing its alleged error. Instead, the OCC repeated the same policy arguments the Commission considered in its Finding and Order and deferred to decide in the later docket. The OCC also failed to provide any legal authority for their request in arguing against the alleged error.

OCC's first request should be denied. The Commission did not commit any error when it declined to adopt OCC's recommendation to repurpose weatherization funds.

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

The OCC's second Assignment of Error claims the Commission erred in failing to require Columbia 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 OPAE generally agrees that Columbia 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 ¶32. Again, 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 second Assignment of Error should be denied.

C. The OCC's third and fourth Assignments of Error should be rejected as premature.

The OCC's third and fourth 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 Columbia to file a transition plan. OCC's Application for Rehearing Memorandum in Support at pp. 4-5. OCC also stated that Columbia's transition plan is woefully premature as the pandemic is ongoing. Id.

OPAE 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 third and fourth Assignments of Error are premature as they should be decided in the Commission's consideration of Columbia's transition plan. The Commission has ordered Columbia to file a transition plan and Columbia has done so.

OCC availed itself of the opportunity to file comments on that plan. The Commission can properly decide the issues raised in OCC's third and fourth Assignments of Error when it considers Columbia's transition plan and other intervenor comments.

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

D. The OCC's fifth 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 fifth 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 rejected this suggestion in its Finding and Order and noted that all the same issues are being dealt with on a utility by utility basis in each COVID-19 docket. Finding and Order at ¶51.

The OCC claimed this rejection is unreasonable and must be modified. OCC's Application for Rehearing Memorandum in Support at p. 6. Yet, the OCC's provides no non-policy justification for this claim. Instead, 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 fifth Assignment of Error should be denied.

III. Conclusion

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

/s/Robert Dove

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/s/ Robert Dove
Robert Dove

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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