

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Suburban	)	
Natural Gas Company to Suspend or Modify	)	Case No. 20-664-GA-UNC
Certain Procedures 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 a 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, Suburban Natural Gas Company (“Suburban”) filed a Motion to Suspend Procedures and Processes on March 30, 2020. On June 3, 2020 the Commission reviewed Suburban’s Motion to Suspend and the intervenors’ Comments and issued its Finding and Order. The Commission directed Suburban to work with Staff and file a comprehensive transition plan before resuming suspended activities. Finding and Order (June 3, 2020) at ¶29.

On July 6, 2020, the Office of the Ohio Consumers’ Counsel (the “OCC”) filed an Application for Rehearing alleging three Assignments of Error. 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 and second Assignments of Error should be rejected as premature.**

The OCC's first and second 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 Suburban to file a transition plan. OCC's Application for Rehearing Memorandum in Support at p. 3. OCC also stated that Suburban's transition plan is premature as the pandemic is ongoing. Id.

OPAЕ 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 first and second Assignments of Error are premature as they should be decided in the Commission's consideration of Suburban's transition plan. The Commission has ordered Suburban to file a transition plan and Suburban 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 first and second Assignments of Error when it considers Suburban's transition plan and other intervenor comments.

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

**B. The OCC's third 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 third 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 ¶42.

The OCC claimed this rejection is unreasonable and must be modified. OCC's Application for Rehearing Memorandum in Support at p. 5. The OCC claims that the Commission failed to explain why it was rejecting the OCC's recommendation and this alleged failure constitutes a violation of R.C 4903.09. Id. The Commission did explain its reasoning but 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 Commission stated that the issues the proposed rules addressed are being considered in each utility's emergency docket. Therefore, there is no need to adopt additional uniform rules to govern decisions being made (or those that have already been made) by the Commission for each utility. OCC's rehashing of its arguments does not present a basis for modification of the Commission's Finding and Order.

OPAE works very closely with NCLC, and its recommendations are generic; some are simply not applicable given Ohio's mixture of low-income programs. The Commission Orders, coupled with the waivers and plans submitted by the utilities, address the recommendations of NCLC. OPAE views most of the actions by jurisdictional utilities as consistent with good corporate citizenship practices.

The OCC's third 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  
Robert Dove (0092019)  
Kegler Brown Hill + Ritter Co., L.P.A.  
65 E State St., Ste. 1800  
Columbus, OH 43215-4295  
Office: (614) 462-5443  
Fax: (614) 464-2634  
rdove@keglerbrown.com

(Willing to accept service by email)  
**Attorney for OPAE**

**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

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

**Commission of Ohio Docketing Information System on**

**7/16/2020 4:58:22 PM**

**in**

**Case No(s). 20-0664-GA-UNC**

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