

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Proper Procedures and	)	
Process for the Commission's Operations and	)	Case No. 20-591-AU-UNC
Proceedings During the Declared State of	)	
Emergency and Related Matters.	)	

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**MOTION TO REQUIRE FIRSTENERGY TO FILE A CONSUMER PROTECTION  
PLAN REGARDING THE CORONAVIRUS EMERGENCY  
AND  
REQUEST FOR AN EXPEDITED RULING  
BY  
COALITION ON HOMELESSNESS AND HOUSING IN OHIO  
OFFICE OF THE OHIO CONSUMERS' COUNSEL  
OHIO POVERTY LAW CENTER**

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Over half the electric consumers in Ohio are served by a company, FirstEnergy, that has the distinction of being the only electric utility that has not filed any plans for review at the PUCO for handling suspension and resumption of consumer disconnections (among other issues) during the pandemic. This situation has resulted in part from the PUCO's approach of apparently not requiring utilities to file plans unless they need to request waivers of regulations.<sup>1</sup> *That should change now.* For the protection of consumers, the PUCO should order FirstEnergy to file a consumer protection plan, for public input. Through a filed plan, the PUCO should address and assert regulatory authority over FirstEnergy's provision of utility services to consumers during the coronavirus emergency and its aftermath. At a time when there is, and understandably will continue to be, much attention to the crisis of alleged corruption involving House Bill 6 and the bailout of FirstEnergy's former nuclear power plants,<sup>2</sup> the crisis for many FirstEnergy consumers involving the coronavirus pandemic should also be front and center for solutions by government.

FirstEnergy's suspension of utility disconnections during the pandemic has helped Ohioans. But we learned from FirstEnergy's website that it "will resume disconnects for non-

payment no sooner than September 15, 2020, and will comply with any state orders to postpone these activities as long as necessary.”<sup>3</sup> We fear that FirstEnergy’s apparent intention for resumption of its disconnections is too soon for families already hurting from the health and financial crisis. In Ohio, food-insecurity has nearly doubled,<sup>4</sup> June rent went unpaid by half a million people,<sup>5</sup> poverty levels were already high – with minorities disproportionately represented in poverty,<sup>6</sup> coronavirus cases are surging in places,<sup>7</sup> and now loss of essential utility services through disconnection could make people’s plight more desperate.

As noted, FirstEnergy states on its website that it “will comply with any state orders...” to postpone disconnections. But such state orders are not a likely result for consumers given that FirstEnergy has not even filed a proposal for PUCO review.

Accordingly and, as described more fully in the attached memorandum in support, the PUCO should grant this motion.<sup>8</sup> The PUCO should order FirstEnergy to “prevent injury to...the

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<sup>1</sup> See Case No. 20-591-AU-UNC, Entry (March 12, 2020) at 1 (the PUCO directed all “public utilities under its jurisdiction to review their service disconnection policies, practices, and tariff provisions and to promptly seek any necessary approval to suspend otherwise applicable requirements that may impose a service continuity hardship on residential and non-residential customers or create unnecessary COVID-19 risks associated with social contact.”) (italics added); id. at Entry (March 13, 2020) at 1 (the PUCO directed all “public utilities under its jurisdiction to review their service reconnection policies, practices, and tariff provisions and to promptly seek any necessary approval to suspend otherwise applicable requirements that may impose a service restoration hardship on residential and non-residential customers or create unnecessary COVID-19 risks associated with social contact.”) (italics added).

<sup>2</sup> <https://assets.documentcloud.org/documents/6999130/Ohio-House-complaint.pdf>

<sup>3</sup> <https://www.firstenergycorp.com/help/safety/coronavirus.html#>

FirstEnergy’s posting of its disconnection resumption information on its website is appreciated but it should be made much more obvious for consumers to find on the site.

<sup>4</sup> <http://ohiofoodbanks.org/files/2019-20/Press-Release-OAF-urges-SNAP-increase-6.15.20.pdf>.

<sup>5</sup> See <https://www.census.gov/data/tables/2020/demo/hhp/hhp8.html>, Housing Table 1(b), Ohio tab. See also <https://cohhio.org/9561-2/>.

<sup>6</sup> For example, poverty levels were 35.2 percent in Cleveland, 24.1 percent in Akron, 36.8 percent in Youngstown, and 26.5 percent in Toledo.

<sup>7</sup> See Governor’s July 15, 2020 Address at <https://coronavirus.ohio.gov/static/docs/Address-to-People-of-Ohio-07-15-20.pdf>; See Attachment.

<sup>8</sup> Ohio Admin. Code 4901-1-12.

public...”<sup>9</sup> by filing with all deliberate speed a proposed consumer protection plan (“Plan”) to protect consumers with regard to the coronavirus emergency and its aftermath (which will continue to be experienced as an emergency by many Ohioans).

Consumer groups that seek consumer protection through this application for rehearing are as follows. Coalition on Homelessness and Housing in Ohio (“COHHIO”) advocates for state and federal policies to promote affordable housing and end homelessness. Office of the Ohio Consumers’ Counsel (“OCC”) is the statutory representative of Ohio’s approximately 4.5 million residential utility customers; Ohio Poverty Law Center (“OPLC”) works to reduce poverty and increase justice by protecting the legal rights of Ohioans living in poverty

Respectfully submitted,

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<sup>9</sup> R.C. 4909.16.

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**MEMORANDUM IN SUPPORT**

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**I. INTRODUCTION**

Over half the electric consumers in Ohio are served by a company, FirstEnergy, that has the distinction of being the only electric utility system that has not filed plans for review at the PUCO for handling suspension and resumption of consumer disconnections (among other consumer issues) during the pandemic. This situation has resulted in part from the PUCO’s approach of apparently not requiring utilities to file plans unless they need to request waivers of regulations.<sup>10</sup> *That should change now.* For the protection of consumers, the PUCO should order FirstEnergy to file a consumer protection plan, for public input. Through a filed plan, the PUCO should address and assert regulatory authority over FirstEnergy’s provision of utility services to consumers during the coronavirus emergency and its aftermath.

FirstEnergy’s suspension of utility disconnections during the pandemic has helped Ohioans. But we learned from FirstEnergy’s website that it “will resume disconnects for non-

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<sup>10</sup> See Case No. 20-591-AU-UNC, Entry (March 12, 2020) at 1 (the PUCO directed all “public utilities under its jurisdiction to review their service disconnection policies, practices, and tariff provisions and to promptly seek any necessary approval to suspend otherwise applicable requirements that may impose a service continuity hardship on residential and non-residential customers or create unnecessary COVID-19 risks associated with social contact.”) (*italics added*); *id.* at Entry (March 13, 2020) at 1 (the PUCO directed all “public utilities under its jurisdiction to review their service reconnection policies, practices, and tariff provisions and to promptly seek any necessary approval to suspend otherwise applicable requirements that may impose a service restoration hardship on residential and non-residential customers or create unnecessary COVID-19 risks associated with social contact.”) (*italics added*).

payment no sooner than September 15, 2020, and will comply with any state orders to postpone these activities as long as necessary.”<sup>11</sup> We fear that FirstEnergy’s intention is to resume too soon the disconnections of families already hurting from the health and financial crisis. In Ohio, food-insecurity has nearly doubled,<sup>12</sup> June rent went unpaid by half a million people,<sup>13</sup> poverty levels were already high – with minorities disproportionately represented in poverty,<sup>14</sup> coronavirus cases are surging in places,<sup>15</sup> and now loss of essential utility services through disconnection could make people’s plight more desperate.

The coronavirus pandemic continues to take a toll on Ohioans’ health and financial well-being. The Governor pointedly described the grave threat of the illness to Ohioans in his address to the people of Ohio on July 15<sup>th</sup>. (See Attachment.) As of July 23, 2020, there have been more than 74,000 confirmed cases of coronavirus in Ohio, with over 3,000 deaths.<sup>16</sup> Alarming, the state Administration announced recently that the number of Ohioans contracting the coronavirus is again rising.<sup>17</sup> And on July 22, the Governor announced a statewide mandate for the wearing of masks in Ohio.<sup>18</sup> On July 23<sup>rd</sup>, news organizations revealed a private communication between the White House and a dozen U.S. cities about particular coronavirus threats to the public in

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<sup>11</sup> <https://www.firstenergycorp.com/help/safety/coronavirus.html#>.

FirstEnergy’s posting of its disconnection resumption information on its website is appreciated but it should be made much more obvious for consumers to find on the site.

<sup>12</sup> <http://ohiofoodbanks.org/files/2019-20/Press-Release-OAF-urges-SNAP-increase-6.15.20.pdf>.

<sup>13</sup> See <https://www.census.gov/data/tables/2020/demo/hhp/hhp8.html>, Housing Table 1(b), Ohio tab. See also <https://cohhio.org/9561-2/>.

<sup>14</sup> For example, poverty levels were 35.2 percent in Cleveland, 24.1 percent in Akron, 36.8 percent in Youngstown, and 26.5 percent in Toledo.

<sup>15</sup> See Governor’s July 15, 2020 Address at <https://coronavirus.ohio.gov/static/docs/Address-to-People-of-Ohio-07-15-20.pdf>; See Attachment.

<sup>16</sup> <https://coronavirus.ohio.gov/wps/portal/gov/covid-19/home>.

<sup>17</sup> <https://www.cleveland.com/datacentral/2020/06/ohios-disturbing-new-trend-of-increasing-coronavirus-cases.html>.

<sup>18</sup> <https://coronavirus.ohio.gov/wps/portal/gov/covid-19/resources/news-releases-news-you-can-use/gov-dewine-issues-statewide-mask-order-travel-warning>

those localities.<sup>19</sup> Two of those cities (Cleveland and Columbus) are in Ohio and Cleveland is in the FirstEnergy area. For these reasons, the financial strain that many Ohio customers are suffering as a result of the pandemic will continue for some time, maybe years.

It is with this backdrop that the PUCO should order protections for Ohioans in FirstEnergy's service territory during this critical time. The PUCO should Order FirstEnergy to file with all deliberate speed a Plan to protect consumers.

**II. THE PUCO SHOULD ORDER FIRSTENERGY TO FILE WITH ALL DELIBERATE SPEED A PLAN FOR CONSUMER PROTECTION. THE PUCO SHOULD ADOPT, AMONG OTHER THINGS, AN INDEFINITE SUSPENSION OF DISCONNECTIONS DURING THIS TIME OF CRISIS FOR MANY OHIOANS AND A REASONABLY BROAD REQUIREMENT FOR RECONNECTIONS OF ALREADY DISCONNECTED CONSUMERS.**

Ohioans continue to face health and financial challenges due to the coronavirus. As stated, the health and financial challenges in Cuyahoga County are on the rise due to the dangerous increase in coronavirus cases and hospitalizations in recent weeks. Similar trends have been seen in Mahoning County and in Lucas County, for example. This awful scenario will be even more difficult if the PUCO does not make sure that FirstEnergy protects consumers as Ohio transitions out of a formal coronavirus emergency (though predictions of an end to the coronavirus emergency and a transition from it appear premature at this point). This pandemic has impacted all areas of life, and unemployment in the country is now considered the worst since the Great Depression.

On March 9, 2020, Governor DeWine responded to the terrible threat of the coronavirus pandemic by declaring a state of emergency to protect the health and safety of Ohioans.<sup>20</sup>

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<sup>19</sup> "Birx warns of concerning rise in coronavirus cases in 12 cities as Trump paints a rosy picture," CNN (July 23, 2020); <https://www.cnn.com/2020/07/23/politics/coronavirus-birx-cities-hotspots/index.html>.

<sup>20</sup> See Executive Order 2020-01D.

Governor DeWine’s leadership for rallying Ohioans to fight back against the virus led to, among other things, the PUCO’s invocation of R.C. 4909.16 and declaration of an emergency for protecting Ohioans from utility disconnections, door-to-door energy sales, and more. R.C. 4901.16 allows the PUCO to act in an emergency “to prevent injury to the business or interests of the public....”

On March 12, 2020, the PUCO opened this docket and ordered utilities to ensure that utility service to customers is maintained during the state of emergency. The PUCO directed all utilities to review their service disconnection policies, practices, and tariffs and promptly seek approval to suspend requirements that may “impose a service continuity hardship on residential and non-residential customers” or “create unnecessary COVID-19 risks associated with social contact.”<sup>21</sup> On March 13, 2020, the PUCO issued another Entry directing all utilities to review their service reconnection policies, practices, and tariffs and to promptly seek approval to suspend requirements that may “impose a service restoration hardship on customers or create unnecessary risk of social contact.”<sup>22</sup> In response, the major Ohio electric and gas utilities filed emergency plans (but not FirstEnergy).<sup>23</sup> The PUCO later issued orders in the individual utility emergency plan cases requiring each utility to file another plan to address how the utility would resume normal business operations that had been prohibited or suspended during the coronavirus.<sup>24</sup>

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<sup>21</sup> See March 12, 2020 Entry at ¶ 6(a).

<sup>22</sup> See March 13, 2020 Entry at ¶ 6(a).

<sup>23</sup> See, e.g., Case No. 20-602-EL-UNC (AEP); 20-599-GE-UNC (Duke); 20-650-EL-AAM (DP&L).

<sup>24</sup> See, e.g., Case No 20-602-EL-UNC, Finding and Order at ¶25 (May 6, 2020); Case No 599-GE-UNC, Finding and Order at ¶24 (June 17, 2020); Case No. 20-650-EL-AAM, Finding and Order at ¶50 (May 20, 2020).

On July 15<sup>th</sup>, the Governor addressed the people of Ohio.<sup>25</sup> He warned that: “We have now reached THE most critical point in our battle against the coronavirus.” (Original emphasis) “If all of us do not take immediate action to slow this virus down, the tragedy that we see playing out on our television screens every day in Florida, Texas, Arizona, and California may well be our reality in just a matter of weeks.” He informed that “Clearly – clearly the virus is spreading with a vengeance across many parts of Ohio and lurks, waiting to attack victims in all of our 88 counties. Tragically, in just four months, we have already lost 3,075 Ohioans to this dreaded disease– nearly the same number of Ohioans who died in the Vietnam War (3,094).” (Footnote omitted) He continued that “Ohio is sliding – sliding down a very dangerous path, with our once flattened-curve starting to sharpen and spike.... Weeks can be the difference between who lives and who dies in Ohio.” And he said “But masks are not enough.... Good decisions will protect the economy and save lives. Reckless ones will hurt and kill.”

AEP, DP&L, and Duke – but not FirstEnergy – filed emergency plans in response to the PUCO’s Orders.<sup>26</sup> In its Finding and Orders regarding the plans<sup>27</sup>, the PUCO recognized that consumers would need protection if and when Ohio transitions from the coronavirus emergency to some semblance of “normalcy.”<sup>28</sup> In its Finding and Order on AEP’s emergency plan, for example, the PUCO ordered AEP Ohio to work with Staff to develop a plan for the resumption

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<sup>25</sup> “As prepared address to the citizens of Ohio” Ohio Governor Mike DeWine (July 15, 2020) [https://content.govdelivery.com/attachments/OHOOD/2020/07/15/file\\_attachments/1496675/Address%20to%20the%20People%20of%20Ohio%20As%20Prepared%2007.15.20.pdf](https://content.govdelivery.com/attachments/OHOOD/2020/07/15/file_attachments/1496675/Address%20to%20the%20People%20of%20Ohio%20As%20Prepared%2007.15.20.pdf)

<sup>26</sup> See, e.g., Case No. 20-602-EL-UNC (AEP); 20-599-GE-UNC (Duke); 20-650-EL-AAM (DP&L).

<sup>27</sup> See, e.g., Case No 20-602-EL-UNC, Finding and Order at ¶25 (May 6, 2020); Case No 599-GE-UNC, Finding and Order at ¶24 (June 17, 2020); Case No. 20-650-EL-AAM, Finding and Order at ¶50 (May 20, 2020).

<sup>28</sup>Id.



of meter reading and of service disconnections, including timelines and provisions for extended payment plans for both residential and non-residential customers impacted by this emergency.<sup>29</sup>

The PUCO also ordered the utilities that filed emergency plans to additionally file, at least 45 days prior to their proposed resumption of service disconnections, and plans.<sup>30</sup> And the PUCO allowed interested persons to file comments on the plan as part of a public process on these important issues for the health and safety of Ohioans.<sup>31</sup> <sup>32</sup> AEP, Duke, and DP&L each filed plans for a public process on their response to this once-in-a-century health crisis affecting Ohioans.<sup>33</sup>

But FirstEnergy filed no emergency plan. And it appears that FirstEnergy is not required by the PUCO file a transition plan. (A premise that Ohio is “transitioning” out of the coronavirus emergency would be a mistaken notion, as described above.)

FirstEnergy’s two million consumers deserve no less PUCO oversight of their utility – and no less of a public process – than the oversight and public process described above regarding the other utilities’ plans during the coronavirus emergency and the continuing emergency that will be its aftermath. The PUCO should order it.

#### **A. Request for Expedited Ruling**

Under O.A.C. 4901-1-12(C), a party may file a motion with “a specific request for an expedited ruling.” Under that rule an immediate ruling can be issued if certain conditions are met

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<sup>29</sup> Case No. 20-602-EL-UNC, Finding and Order at ¶25 (May 6, 2020).

<sup>30</sup> See, e.g., Case No 20-602-EL-UNC, Finding and Order at ¶25 (May 6, 2020); Case No 599-GE-UNC, Finding and Order at ¶24 (June 17, 2020); Case No. 20-650-EL-AAM, Finding and Order at ¶50 (May 20, 2020).

<sup>31</sup> See note 1, *supra*.

<sup>32</sup> See *id*.

<sup>33</sup> Case No. 20-602-EL-UNC, Ohio Power Company's Updated Compliance Plan & Report (July 6, 2020); Case No. 20-599-GE-UNC, Notice of Transition Plan of Duke Energy Ohio, Inc. (June 26, 2020); Application for Comprehensive Plan of The Dayton Power and Light Company to Resume Pre-COVID-19 Activities (July 15, 2020).

(the moving party certifies that no party objects to an immediate ruling). Joint Movants cannot certify that no parties object to an immediate ruling.

Consistent with this rule, Joint Movants request an expedited ruling on this motion. As described above, Ohioans are hurting both health-wise and economically due to the coronavirus pandemic. The PUCO should order FirstEnergy to file a plan as soon as possible, so that the plan is publicly vetted and resolved by the PUCO as soon as possible.

### III. CONCLUSION

For the protection of consumers, the PUCO should order FirstEnergy to file a consumer protection plan, for public input and a PUCO decision, to address FirstEnergy's handling of services during the coronavirus emergency and its aftermath.

Respectfully submitted,

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### **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Motion was served via electric transmission on the persons stated below this 24th day of July 2020.

/s/ Maureen R. Willis

Maureen R. Willis  
Counsel of Record

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

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**AS PREPARED ADDRESS TO THE CITIZENS OF OHIO  
OHIO GOVERNOR MIKE DEWINE  
OHIO STATEHOUSE CEREMONIAL OFFICE  
COLUMBUS, OH  
JULY 15, 2020**

Good evening.

I speak to you tonight from the Governor's office in the Ohio State Capitol.

We have now reached THE most critical point in our battle against the corona virus.

If all of us do not take immediate action to slow this virus down, the tragedy that we see playing out on our television screens every day in Florida, Texas, Arizona, and California may well be our reality in just a matter of weeks.

The good news is that this nightmare does not have to be our future.

Some have wondered what new health orders might be issued tonight. That's a discussion for another time.

As your Governor, I will take whatever action is necessary to protect the people of this state. But, the truth is, what your local health department or the Ohio Department of Health, or what I order is not nearly as important as what we all do in these crucial days ahead.

Our future truly lies in our own hands.

Ohioans have faced many challenges throughout time -- wars, floods, tornados -- but really nothing quite like this, since Governor James Cox was our Governor during the Spanish Flu Pandemic of 1918. Governor Cox and I are both from the Miami Valley, but the reason I keep his figure here is to remind me of the resilience and the strength of all the Ohioans who went through that tragedy.

And I know that Governor Cox must have felt, as I do every day, the pain and anguish of each family who lost someone to that virus.

Early this year, we watched as the corona virus erupted in China, then in Europe, then in the United States -- and then in Ohio.

But, in Ohio -- you did what Ohioans always do!

You rallied together!

You did what needed to be done early in this fight.

And you took a collective leap of faith in a battle against an invisible enemy -- the likes of which hadn't been seen in Ohio and this country in more than 100 years.

You made extraordinary sacrifices.

You left school.

You left work.

You stayed home.

You missed loved ones.

You missed milestones.

You missed paychecks.

Because you are Ohioans -- strong, steadfast, selfless -- you also saved lives.

You flattened the curve!

And, with your individual -- and collective -- actions, you bought Ohio time -- precious, finite time for our health care providers to create a statewide hospital system and for doctors and nurses to learn more about this novel illness and how best to respond...

Time for Ohio to procure lifesaving medical equipment, such as ventilators, as well as Personal Protection Equipment (PPE)...

And with no vaccine in sight, time to learn how to better manage this disease so we could carefully and responsibly re-open the state to protect both our lives and our livelihoods.

We sought input from business leaders throughout the state and listened to the scientists and other health experts to develop guiding protocols to open in an incremental, measured way that could protect the safety of employees and customers, alike.

By controlling the spread of the virus early on, we were able to responsibly re-open, and the Ohio economy has started coming back. Ohio's unemployment rate is coming down. While in April, the revised rate was 17.6 percent, in May, the rate dropped to 13.7 percent.<sup>1</sup> And further, for 10 straight weeks, applications for continued unemployment benefits have declined.<sup>2</sup>

We must keep the virus in check so that we can rebuild consumer confidence and keep this positive economic momentum going.

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<sup>1</sup> State Unemployment Rates: Bureau of Labor Statistics: <https://www.bls.gov/news.release/laus.nr0.htm>.

<sup>2</sup> Ohio Department of Job and Family Services, accessed July 14, 2020, <https://ifs.ohio.gov/ocomm/pdf/Ohio-Initial-Jobless-Claims.pdf>.

So where are we now?

Clearly -- clearly the virus is spreading with a vengeance across many parts of Ohio and lurks, waiting to attack victims in all of our 88 counties.

Tragically, in just four months, we have already lost 3,075 Ohioans to this dreaded disease -- nearly the same number of Ohioans who died in the Vietnam War (3,094).<sup>3</sup>

Our hospitals are seeing more and more COVID patients. There are 1,027 of our fellow citizens in our hospitals tonight suffering from COVID -- 316 are in intensive care -- 146 are on a ventilator.<sup>4</sup> And, many of those who have recovered now suffer from long-term -- and in some cases, permanent -- health consequences, such as lung damage, kidney damage, and other significant medical issues.

Ohio is now nearing our April and May peak of just over 1,100 hospital patients, with the Cincinnati and Dayton regions currently seeing more COVID-positive patients in their hospitals than during any previous time during the pandemic and the Cleveland region nearing a similar point<sup>5</sup>

At the beginning of the pandemic, it took Ohio 20 days to reach our first 1,500 total cases. Last week, we saw over 1,500 cases in a single day.<sup>6</sup> And to think -- just a month ago -- we were at only 400 new cases per day.<sup>7</sup>

Some say that our case numbers are increasing because we are simply doing more testing. Yes -- we are testing more. In fact, our testing has gone up by 87 percent. But, our number of positive cases has skyrocketed by almost 200 percent!<sup>8</sup>

Clearly, our number of new cases is NOT just the result of increased testing!

Let's look again at Ohio and Florida. On June 9<sup>th</sup>, Florida had 1,200 cases per day -- about the same number of cases that we had in Ohio yesterday.<sup>9</sup> This past Sunday, just one month later, Florida's case number was at 15,300 new cases in one single day.<sup>10</sup>

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<sup>3</sup><https://www.archives.gov/research/military/vietnam-war/casualty-statistics>.

<sup>4</sup> Ohio Department of Health, [www.coronavirus.ohio.gov](http://www.coronavirus.ohio.gov).

<sup>5</sup> Ohio Department of Health, [www.coronavirus.ohio.gov](http://www.coronavirus.ohio.gov).

<sup>6</sup> Ohio Department of Health, [www.coronavirus.ohio.gov](http://www.coronavirus.ohio.gov).

<sup>7</sup> Ohio Department of Health, [www.coronavirus.ohio.gov](http://www.coronavirus.ohio.gov).

<sup>8</sup> Ohio Department of Health, [www.coronavirus.ohio.gov](http://www.coronavirus.ohio.gov).

<sup>9</sup> State-level Data by Report Date, as compiled by the COVID Tracking Project, <https://covidtracking.com/data/download>.

<sup>10</sup> "Two Days of Record Counts: Florida Adds 12,624 COVID Cases Monday, One Day after U.S.-shattering Record 15,300," by David Fleshler, *South Florida Sun Sentinel*, July 13, 2020.

Similarly, a month ago, Florida averaged 8.3 new cases per 100,000 residents per day, a little bit under what we have in Ohio currently. As of yesterday, Florida's new cases have increased six-fold per day (51.8 cases per 100,000 residents per day).<sup>11</sup>

A month ago, Arizona was also at 1,200 new cases per day.<sup>12</sup> As of Sunday, Arizona was at 3,400 new cases per day. Further, Arizona averaged almost 18 new cases per 100,000 residents per day last month. That has since increased 2.5 times as of yesterday (45.1 cases per 100,000 residents per day).<sup>13</sup>

And, if we do not change course...Florida and Arizona will be our future.

I have always found history to be a teacher. And so early in the pandemic, I read a book by John Berry called *The Great Influenza*. It's about the catastrophic Spanish Flu of 1918. He wrote an article yesterday that puts our current reality into sobering perspective:<sup>14</sup>

“This is our second chance. We won't get a third. If we don't get the growth of this pandemic under control now, in a few months, when the weather turns cold and forces people to spend more time indoors, we could face a disaster that dwarfs the situation today.”

Ohio is sliding -- sliding down a very dangerous path, with our once flattened-curve starting to sharpen and spike.

This worrisome, disturbing reversal of our progress is a jarring reminder of just how quickly our fate can change.

A matter of weeks can change our trajectory.

Weeks can alter our future.

Weeks can change our lives.

Weeks can be the difference between who lives and who dies in Ohio.

We must act -- and we must act now!

This is not a drill.

This is not a hoax.

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<sup>11</sup> State-level Data by Report Date, as compiled by the COVID Tracking Project, <https://covidtracking.com/data/download>.

<sup>12</sup> <https://coronavirus.jhu.edu/data/state-timeline/new-confirmed-cases/arizona>.

<sup>13</sup> State-level Data by Report Date, as compiled by the COVID Tracking Project, <https://covidtracking.com/data/download>.

<sup>14</sup> <https://www.nytimes.com/2020/07/14/opinion/coronavirus-shutdown.html>.

This is not a dress rehearsal.

It's the real thing.

The enemy is here -- and Ohioans have simply come too far in this fight to cede ground now.

My fellow Ohioans, you have changed history with this virus before -- and you can do it again -- but our window of opportunity may soon be closing.

As we have seen in Florida, California, Arizona, and Texas, once things start moving, they move very quickly -- and it is so very hard then to turn things back around.

My fellow Ohioans -- you -- all of us together -- have the power to change our future.

This is a defining time -- THE defining time -- for each one of us. And there has been no greater call in recent times for Ohioans than for us to call upon our "better angels," as President Abraham Lincoln said, and do what is right to protect each other.

Ohioans have always been a people, who have been willing to sacrifice today for a better tomorrow.

I am asking each of you tonight to take action now -- to sacrifice now -- so our kids can be in school this fall...

So, they can at least have a chance to play sports...

So, our businesses can remain open...

So that Ohioans can continue earning a living and a paycheck and support their families...

What am I asking you to do?

Let's start with masks. I am asking each one of you, wherever you live in Ohio -- whatever the alert color of your county -- to wear a mask when you go out in public.

Some may still question the wisdom of wearing masks, but as we used to say when I was a prosecuting attorney, "The jury is back. The verdict is in."

There is a broad consensus today in the medical, health, and business communities that masks are critical.

Yesterday, Dr. Robert Redfield, Director of the Centers for Disease Control and Prevention, said,



“If all of us would put on a face covering now for the next four weeks, six weeks, we could drive this epidemic to the ground.”<sup>15</sup>

Wearing masks is also our best way to protect Ohio jobs.

A recent Goldman Sachs report shows that wearing face masks can be viewed as an alternative to lockdowns. They found, that in most cases, within a couple of weeks of people consistently wearing facemasks, there was a slowdown in the spread of the virus. Further, the study suggests that to curb the spread of the virus as successfully as wearing face masks does, we would have to consider a lockdown that essentially would subtract five percent of the country’s Gross Domestic Product.<sup>16</sup>

But masks are not enough.

Let’s be honest, all of us have started to let our guard down. I know sometimes I have. We’re tired. We want to go back to the way things were – and that’s very understandable.

But when we do, we are playing Russian Roulette with our lives.

Good decisions will protect the economy and save lives. Reckless ones will hurt and kill.

These are tough questions, but ask yourselves: Will that family reunion be worth it if your grandmother later tests positive for COVID and dies?

Will that neighborhood cookout be worth it if your neighbor ends up alone, on a ventilator, in intensive care?

Will that play date be worth it, if the kids can’t go back to school in the fall?

We’re all tired of being cooped up. I know your kids want to be with their friends. And, Fran and I know our grandchildren certainly do.

But, what’s better? Knowing you did all you could to keep your family and neighbors safe and our economy open -- or taking risks that lead to illness, death, and another economic shutdown?

Don’t we all want to be around to meet our future children and grandchildren not yet born? To attend their Baptisms? To watch our kids and grandkids graduate from school? To attend their future weddings?

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<sup>15</sup> <https://www.usatoday.com/story/news/health/2020/07/15/covid-19-california-testing-moderna-vaccine-best-buy-requires-masks/5436928002/>.

<sup>16</sup> Face Masks and GDP: Goldman Sachs, <https://www.goldmansachs.com/insights/pages/face-masks-and-gdp.html>.

This virus will end. It will end! And we all want to be around when it does, so we can enjoy life, enjoy our families, and enjoy our friends.

None of us can do this, alone. In words often attributed to Ronald Reagan, “We can’t help everyone, but everyone can help someone.”<sup>17</sup>

These are once-in-a-hundred-years sacrifices -- short-term inconveniences, for long-term freedoms.

In his January 1941 State of the Union Address to Congress, President Franklin Roosevelt began to make his case to end the isolation policies that emerged following World War I. He spoke of America’s need to sacrifice in times of crisis -- and the unity that comes with a nation’s collective actions. Here is what said:

“No one can tell the exact character of the emergency situations that we may be called upon to meet. The nation's hands must not be tied when the nation's life is in danger. [All of us] must prepare to make the sacrifices that the emergency -- almost as serious as war, itself -- demands. . . . Our strength is our unity of purpose...[and] to that high concept, there can be no end save victory.”<sup>18</sup>

Our state’s life is now in danger -- and our own strength lies in our unity of purpose.

Early in this pandemic, Ohioans came together. You showed extraordinary kindness, care, compassion your families, friends, neighbors, and strangers, alike.

You rose to the occasion.

You answered the call.

I am calling on all Ohioans to once again unite.

This virus is real.

It is killing our family members, our friends, our co-workers.

We must take the long-view in our response to it and remember that Ohioans have always been a strong, determined, resilient people, who, time and time again, have overcome adversity and beat the odds.

From the Native Americans, who created intricate and massive earthworks...

To the pioneers, who navigated their way along the Ohio River and constructed the National Road...

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<sup>17</sup>[https://en.wikiquote.org/wiki/Ronald\\_Reagan](https://en.wikiquote.org/wiki/Ronald_Reagan).

<sup>18</sup><https://www.americanrhetoric.com/speeches/PDFFiles/FDR%20-%20Four%20Freedoms.pdf>.

To the abolitionists and African Americans, who worked together to create an underground railroad leading those in slavery to freedom...

To the immigrants, who built our cities...

To the African Americans and those from Appalachia, who migrated to Ohio to work, raise a family, and start a better life...

At the start of this pandemic, Ohioans set the example for the rest of our country. Though this has been a trying time for all Ohioans, you showed the world what was possible when people work together!

You showed the world our Ohio grit!

I remain an optimist and truly believe that we will rise out of the great tragedy of this virus and all it has laid bare. Positive things will come out of our struggle -- American and Ohio ingenuity, innovation, and creativity; deeper relationships with family and friends; and a stronger, renewed sense of community and our obligations to one other.

Out of this struggle, we will learn.

And, we will emerge stronger, better, and more resilient.

As the Bible tells us in Galatians, "Let us not grow weary of doing good, for in due season, we will reap -- if we do not give up."

Ohioans never give up.

And Ohioans will not grow weary of doing good and helping to protect each other.

We are Buckeyes.

We are strong.

And we will not relent, as we forge a path forward -- united -- in building Ohio's future.

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

**Commission of Ohio Docketing Information System on**

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**Case No(s). 20-0591-AU-UNC**

Summary: Motion Motion to Require FirstEnergy to File a Consumer Protection Plan Regarding the Coronavirus Emergency and Request for an Expedited Ruling by Coalition on Homelessness and Housing in Ohio, Office of the Ohio Consumers' Counsel, Ohio Poverty Law Center electronically filed by Ms. Patricia J Mallarnee on behalf of Willis, Maureen Ms.