

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Motion of The East)	
Ohio Gas Company d/b/a Dominion Energy)	
Ohio to Suspend or Modify Certain Procedures)	Case No. 20-600-GA-UNC
During the COVID-19 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, The East Ohio Gas Company, doing business as Dominion Energy Ohio (“DEO”) filed a Motion for Suspension on March 17, 2020. On June 3, 2020 the Commission reviewed DEO’s Motion to Suspend and the intervenors’ Comments and issued its Finding and Order. The Commission directed DEO to work with Staff and file a comprehensive transition plan before resuming suspended activities. Finding and Order (June 3, 2020) at ¶29. On June 18, 2020. DEO filed its Transition Plan and on July 15, 2020, the Commission issued a Supplemental Finding and Order approving, in part, DEO’s Transition Plan.

On July 30, 2020, the Office of the Ohio Consumers’ Counsel (the “OCC”) filed an Application for Rehearing alleging four Assignments of Error. Ohio Partners for Affordable

Energy (“OPAE”) submits this limited memo contra in response to OCC’s Application for Rehearing.

II. Argument

A. The OCC’s fourth Assignment of Error should be denied because OCC failed to establish the Commission’s Order was unreasonable or unlawful when it authorized weatherization programs to resume.

OCC’s fourth Assignment of Error claims the Commission erred by allowing DEO to resume in-home weatherization programs. This alleged error is the OCC continuing its attack on weatherization programs without citation to any law or regulation which the PUCO allegedly violated that would make its Order unlawful or unreasonable.

Instead, the OCC points to the current increase in coronavirus cases as its rationale for requesting a complete suspension of in-home weatherization programs. OCC Application for Rehearing at p. 10. The OCC acknowledges that the PUCO authorized customers the option to defer in-home weatherization and energy audits but takes the position it is not enough. *Id.* at pp. 10-11. This is not a legal argument it is just another attempt by OCC to substitute its judgment for that of the Commission. Further, with this particular Assignment of Error the OCC seeks to substitute its judgement for that of its clients. The Order enables customers to defer participation in these programs if they are uncomfortable under the current situation. OCC seeks to remove this option from their clients based solely on its position that it knows better than both the Commission and the customer despite the evidence to the contrary.

In-home weatherization programs are administered by OPPE’s member and other vendors, who are following guidelines issued by the Center for Disease Control and the Department of Health. Existing service protocols already include requirements for using Personal Protective Equipment (“PPE”) and field staff regularly don Tyvek suits, booties, and respirators

or masks when evaluating homes or installing certain measures such as blowing insulation or working around asbestos or lead-based paint. Masks are provided to clients, and social distancing protocols are followed. All installers must be certified by the U.S. Environmental Protection Agency's ("EPA") Lead Renovation, Repair and Painting program, and receive extensive training on Occupational Safety and Health Administration ("OSHA") standards. The low-income programs are also following best practices developed through the State's weatherization network. Ohio's best practices are being used in other states to ensure the safety of clients and our crews.

Ohio's residential utility customers, particularly those who are of low-income, should have the option of accepting services that make their homes more efficient, thereby lowering their energy bill, and protecting their health. The Commission balanced the interests of those customers who may be uncomfortable accepting these services, at this time, by providing them the authority to defer. OCC's request to take a customer's choice away from them should be denied.

OCC's fourth Assignment of Error should be denied. The Commission did not commit any error when it declined to indefinitely suspend in-home weatherization programs and energy audits.

III. Conclusion

For the foregoing reasons, OPAE respectfully request that the Commission deny the OCC's fourth Assignment of Error.

[Signature block on the next page.]

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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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Summary: Text Limited 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