

BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO

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

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**THE DAYTON POWER AND LIGHT COMPANY D/B/A AES OHIO’S  
MEMORANDUM CONTRA TO APPLICATION FOR REHEARING**

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On July 28, 2021, the Public Utilities Commission of Ohio (“PUCO” or “the Commission”) issued an Entry lifting the emergency directives issued in this docket, to the extent they had not already expired.<sup>1</sup> This Entry was in issued response to the Governor’s Executive Order 2021-08D, which declared the state of emergency in Ohio, with respect to COVID-19, to be over.<sup>2</sup>

On August 27, 2021, several parties – Southeastern Ohio Legal Services, the Legal Aid Society of Columbus, LLC, the Office of the Ohio Consumers’ Counsel (OCC), and the Ohio Poverty Law Center<sup>3</sup> – jointly filed an application for rehearing raising two assignments of error. First, The Consumer Parties argue that the Commission prematurely ended the emergency and should have continued suspension of disconnections during the upcoming winter heating season.<sup>4</sup> Second, The Consumer Parties seek more detailed disconnection information for at-risk, minority, and working poor populations.<sup>5</sup> In accordance with Ohio Adm.Code 4901-1-35(B),

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<sup>1</sup> Entry at ¶ 11 (July 28, 2021).

<sup>2</sup> Id.

<sup>3</sup> Collectively referred to as “The Consumer Parties.”

<sup>4</sup> Application for Rehearing to Protect Consumers from Disconnection and to Assure Energy Justice for Ohioans by The Legal Aid Society of Columbus, Office of the Ohio Consumers’ Counsel, Ohio Poverty Law Center, Southeastern Ohio Legal Services (“The Consumer Parties AfR”), at p. 3 (August 27, 2021).

<sup>5</sup> Id.

The Dayton Power and Light Company d/b/a AES Ohio (“AES Ohio” or “the Company”) files this memorandum contra The Consumer Parties’ application for rehearing.

With respect to the first assignment of error, to the extent the Commission sees fit to reinstate suspension of disconnections, AES Ohio submits that it should be done under the same terms and conditions set forth in AES Ohio’s COVID-19 Plan docket. Namely, in Case No. 20-650-EL-AAM, *et al.*, AES Ohio was afforded the ability to defer increased uncollectible expenses associated with suspension of disconnection.<sup>6</sup>

The Consumer Parties’ second assignment of error lacks sufficient specificity for the Commission to grant the application for rehearing. Applications for rehearing are required to “set forth specifically the ground or grounds on which the applicant considers the order to be unreasonable or unlawful.”<sup>7</sup> The Consumer Parties’ assignment of error, however, is anything but specific – stating that the Commission erred by “not acting to assure energy justice for consumers during the emergency of the pandemic.”<sup>8</sup> The lack of clarity is further muddled by the inconsistent and nebulous arguments and requests set forth in the supporting memorandum. For instance, The Consumer Parties appear to request more detailed disconnection information to include impacts on “diverse segments of the population as at-risk and minority communities and the working poor.”<sup>9</sup> AES Ohio does not have information regarding socio-economic status of its customers, so the Company would be unable to provide this detailed level of information. This request is further confused by the more specific request for disconnection information by zip

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<sup>6</sup> *In Re the Application of The Dayton Power and Light Company for Approval of Certain Accounting Authority*, Case No. 20-650-EL-AAM, Finding and Order at ¶¶44-45 (May 20, 2020).

<sup>7</sup> R.C. 4903.10(B).

<sup>8</sup> The Consumer Parties’ AfR at p. 6.

<sup>9</sup> The Consumer Parties’ AfR at p. 6.

code.<sup>10</sup> AES Ohio does have the ability to track disconnection information by zip code. But because it is unclear what The Consumer Parties' are requesting, the application for rehearing fails to meet the standards set forth under R.C. 4903.10

For these reasons, The Consumer Parties' Application for Rehearing should be denied. Alternatively, the Commission should only require disconnection information to be reported by zip code.

Respectfully submitted,

Michael J. Schuler

Michael J. Schuler (0082390)

\*Counsel of Record

AES Ohio

1065 Woodman Drive

Dayton, OH 45432

Telephone: (937) 259-7358

Email: michael.schuler@aes.com

Attorney for AES Ohio

(willing to accept service by e-mail)

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<sup>10</sup> The Consumer Parties' AfR at p. 7. The Consumer Parties also make a fleeting reference to correcting social inequities, but do not further discuss the issue or provide any specificity of what corrections are sought.

**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing has been served via the Public Utilities Commission of Ohio's Docketing Information System, this 7<sup>th</sup> day of September, 2021.

Michael J. Schuler

Michael Schuler (0082390)

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**Commission of Ohio Docketing Information System on**

**9/7/2021 5:19:43 PM**

**in**

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

Summary: Memorandum Contra to Application for Rehearing electronically filed by Mr. Michael J Schuler on behalf of The Dayton Power and Light Company d/b/a AES Ohio