

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

<b>In the Matter of the Application of</b>	)	
<b>Suburban Natural Gas Company</b>	)	
<b>to Suspend or Modify Certain Pro-</b>	)	<b>Case No. 20-664-GA-UNC</b>
<b>cedures and Process During the</b>	)	
<b>the Declared State of Emergency</b>	)	
<b>and Related Matters.</b>	)	

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**SUBURBAN NATURAL GAS COMPANY’S REPLY TO THE OFFICE  
OF THE OHIO CONSUMERS’ COUNSEL’S  
APPLICATION FOR REHEARING**

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**Statement of the Case**

The subject proceeding was initiated by the Commission pursuant to an Entry entered in the Journal on March 12, 2020 implementing the Governor’s Executive Order declaring a state of emergency in Ohio and directing state agencies to implement procedures consistent with the recommendations from the Department of Health to prevent or alleviate the public health threat associated with COVID-19. That Entry directed all utility companies to review their disconnection procedures in light of the state of emergency. On March 13, 2020, the Commission extended its winter reconnection order through May 1, 2020 and directed all utility companies to review their reconnection procedures. Both Entries were directed exclusively to the utilities’ disconnection and reconnection rules and procedures. On March 20, 2020, the Commission broadened the scope of this proceeding to suspend all other non-essential functions that might create unnecessary COVID-19 risks associated with social contact such as in-person meter readings and in-home activities. All of its Entries were issued pursuant to the Governor’s Executive Order and the Commission’s emergency authority under R.C. 4909.16 (See ¶29, page 9 of the Commission’s June 3, 2020 Entry in this proceeding)

On March 30, 2020, Suburban Natural Gas Company (hereinafter referred to as “Suburban”) filed its application for authority to suspend and modify various policies and practices consistent with the foregoing Commission Entries. On April 13, 2020 and April 14, 2020, the Office of Consumers’ Counsel and Ohio Partners for Affordable Energy, respectively, filed motions to intervene. Suburban did not oppose their intervention. The Commission’s Staff generally supported the plan submitted by Suburban in this case and, in a seventeen-page Finding And Order thoroughly discussing all of the issues and arguments raised by the intervenors, the Commission approved the application subject to the Staff’s recommendations and modifications.

### **Argument**

The subject Application for Rehearing raises no issues or arguments not thoroughly and specifically addressed by the Commission in its June 3, 2020 seventeen-page Finding And Order. Moreover, while the OCC addresses a portion of R.C. 4909.16 pursuant to which that Entry was issued, it omits or misconstrues the nature and extent of the Commission’s discretion under that statute. As cited in the Commission’s June 3, 2020 Finding And Order, that statute provides that “in the event of an emergency, when the Commission finds it necessary to prevent injury to the business or interest of the public or any public utility, it may temporarily alter, amend, or suspend any existing rates or schedules.” (Emphasis added.) It may not be compelled to do so; and rearguing the OCC’s case will not change that fact.

Further, while the OCC assigns as error the Commission’s failure to adopt the consumer protection recommendations of the National Consumer Law Center, to have done so would have exceeded the scope of this proceeding which was initiated to assure continuity of service under the

powers conferred by R.C. 4909.16. This is not a rulemaking case (see ¶ 29, page 9 of the Finding And Order). What this assignment of error is really directed to is the OCC's and the OPAE's concerns for the economic impact of the COVID-19 crisis on our state's less fortunate citizens. While we all concur with these concerns, the Commission is not the appropriate forum within which to address these issues. These concerns should be directed to the Ohio Department of Welfare in the first instance and to the Ohio General Assembly for more adequate funding so that all of Ohio's taxpayers share this burden—not merely ratepayers of Ohio's privately-owned public utilities.

WHEREFORE, for the foregoing reasons, Suburban respectfully requests that the Application For Rehearing be denied and the June 3, 2020 Finding And Order be affirmed forthwith.

Respectfully submitted,

/s/ David L. Pemberton, Sr.  
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## **CERTIFICATE OF SERVICE**

I hereby certify that a copy of these Comments have been served via electronic transmission upon the following parties of record this 10th day of July 2020.

/s/ David L. Pemberton, Sr.  
Chairman & General Counsel

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

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