**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

|  |  |  |
| --- | --- | --- |
| In the Matter of the Application of Ohio  Edison Company, The Cleveland Electric  Illuminating Company and The Toledo  Edison Company for an Increase in Electric Distribution Rates  In the Matter of the Application of Ohio  Edison Company, The Cleveland Electric  Illuminating Company and The Toledo  Edison Company for Tariff Approval  In the Matter of the Application of Ohio  Edison Company, The Cleveland Electric  Illuminating Company and The Toledo  Edison Company for Approval to Change  Accounting Methods  In the Matter of the Application of Ohio  Edison Company, The Cleveland Electric  Illuminating Company and The Toledo  Edison Company for Approval of  Miscellaneous Customer Programs | )  )  )  )  )  )  )  )  )  )  ) )  )  )  )  )  )  )  ) | Case No. 24-468-EL-AIR  Case No. 24-469-EL-ATA  Case No. 24-470-EL-AAM  Case No. 24-0471-EL-UNC |

**MOTION FOR A VIRTUAL LOCAL PUBLIC HEARING TO ALLOW**

**FIRSTENERGY CONSUMERS TO TESTIFY REMOTELY**

**BY**

**OFFICE OF THE OHIO CONSUMERS’ COUNSEL**

FirstEnergy[[1]](#footnote-1) initiated this case to increase the rates it charges its consumers for essential electric utility distribution service. FirstEnergy wants to increase its monthly service rate by $2.50 per month (from $4.00) and its monthly energy charge from between $2.72 and $11.22 for residential consumers.[[2]](#footnote-2) This increase will impact all residential consumers served by FirstEnergy. The PUCO will schedule in-person local public hearings as required by R.C. 4903.083(A). However, the PUCO should also schedule a virtual local public hearing so that consumers may testify remotely regarding FirstEnergy’s proposed rate increase. An opportunity to testify remotely will provide more consumers the opportunity to partake in this process and to have their voices heard by the PUCO regarding FirstEnergy’s application to increase the rates it charges to residential consumers.

The reasons for this motion are more fully set forth in the attached Memorandum in Support.

Respectfully submitted,

Maureen R. Willis (0020847)

Ohio Consumers’ Counsel

*/s/ John Finnigan*

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(willing to accept service via email)

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**MEMORANDUM IN SUPPORT**

This case concerns FirstEnergy’s application to increase the rates it charges consumers for essential electric utility distribution service. FirstEnergy proposes to increase its monthly service rate by $2.50 per month (from $4.00) and its monthly energy charge from between $2.72 and $11.22 for its residential consumers.[[3]](#footnote-3) This is the first base rate increase proposal by FirstEnergy in 17 years and its residential consumers should have ample opportunities to make their voices heard. In addition to the in-person local public hearings the PUCO typically schedules, the PUCO should also schedule a virtual local public hearing to provide consumers the opportunity to testify remotely regarding FirstEnergy’s proposal.

Revised Code Section 4903.083(A) requires the PUCO to “hold public hearings in each municipal corporation in the affected service area having a population in excess of one hundred thousand persons, provided that, at least one public hearing shall be held in each affected service area.”[[4]](#footnote-4) These local public hearings provide an opportunity for consumers to appear in-person to provide input and testimony regarding the proposed change in utility rates.

However, not everyone is able to attend these in-person local public hearings. Depending on one’s personal circumstances, in-person attendance at a scheduled time could be difficult, impractical, or outright impossible. This could be due to work schedules, health challenges, mobility issues, childcare or eldercare, transportation issues, or some other difficulty. Those consumers who cannot attend an in-person local public hearing should have the opportunity to testify remotely. As consumers become more tech-savvy, the PUCO should become more inclusive and accommodating by providing an additional, more convenient and accessible opportunity for consumers to partake in this ratemaking process. Technology provides that opportunity through online virtual meetings via WebEx, Microsoft Teams, Zoom, or some similar platform.

The Administrative Conference of the United States (“ACUS”) has noted, in a recommendation published in the Federal Register, that virtual hearings promote justice.[[5]](#footnote-5) It is stated that, in administrative procedures, virtual hearings “have the potential to expand access to justice for individuals who belong to certain underserved communities.”[[6]](#footnote-6) Expanding access to justice for people in underserved communities warrants virtual hearings.

The PUCO has the technology and resources available to conduct a virtual public hearing in this case. The PUCO has conducted numerous evidentiary hearings remotely, including public hearings in rate cases.[[7]](#footnote-7) Even though the PUCO has largely returned to in-person hearing processes post-pandemic, the PUCO has since permitted consumers to testify remotely on occasion. That is where “financial hardship, work-related scheduling conflicts, and physical restrictions” prevented them from traveling to appear in person before the PUCO.[[8]](#footnote-8) Consumers wishing to participate remotely in public hearings also deserve the same consideration.[[9]](#footnote-9)

In addition, consumers themselves have become more tech savvy. During the pandemic, many consumers developed the skills to interact with families, friends, businesses, and doctors, and to conduct other activities virtually. For those consumers who faced mobility, transportation, family and/or cost issues, virtual communications provided significant benefits, which enabled them to participate more fully in their communities. The PUCO should embrace this change by providing consumers the opportunity to testify remotely regarding FirstEnergy’s proposed rate increase.

The PUCO should set an additional public hearing to be conducted virtually where consumers may testify remotely (via WebEx, Microsoft Teams, Zoom, or some similar platform) regarding FirstEnergy’s proposed rate increase. A virtual local public hearing should occur with adequate notice for the public, including in print media, broadcast media, and social media.

For these reasons, the PUCO should grant OCC’s motion and schedule a virtual public hearing in this case.

Respectfully submitted,

Maureen R. Willis (0020847)

Ohio Consumers’ Counsel

*/s/ John Finnigan*

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(willing to accept service via email)

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Motion for a Virtual Public Hearing to Allow FirstEnergy Consumers to Testify Remotely has been served electronically upon those persons listed below this 5th day of June 2024.

*/s/ John Finnigan*

John Finnigan

Assistant Consumers’ Counsel

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

**SERVICE LIST**

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| --- | --- |
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1. “FirstEnergy” collectively refers to Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company. [↑](#footnote-ref-1)
2. Notice of Intent to File an Application to Increase Electric Distribution Rates, Exhibit 4 (May 1, 2024). These increases are based on a typical residential consumer using 750 kWH per month. [↑](#footnote-ref-2)
3. Notice of Intent to File an Application to Increase Electric Distribution Rates, Exhibit 4 (May 1, 2024). These increases are based on a typical residential consumer using 750 kWH per month. [↑](#footnote-ref-3)
4. R.C. 4903.083(A). [↑](#footnote-ref-4)
5. ACUS Recommendation 2021-4, *Virtual Hearings in Agency Adjudication*, 86 FR 36075, 36083-36084 (June 17, 2021) (noting that virtual hearings may be “especially beneficial” for individuals with disabilities, individuals with low income, and individuals living in rural and isolated areas). [↑](#footnote-ref-5)
6. *Id.* [↑](#footnote-ref-6)
7. *See, e.g., In the Matter of the Application of the Dayton Power & Light Company to Increase Its Rates for Electric Distribution*, Case No. 20-1651-EL-AIR, et al.; *In the Matter of the Application of Ohio Power Company for an Increase in Electric Distribution Rates*, Case No. 20-585-EL-AIR, et al. [↑](#footnote-ref-7)
8. *See In the Matter of the Commission’s Investigation into RPA Energy Inc.’s Compliance with the Ohio Administrative Code and Potential Remedial Actions for Non-Compliance*, Case No. 22-441-GE-COI, Entry (Oct. 17, 2022), at ¶ 11. [↑](#footnote-ref-8)
9. *See* National Association of State Utility Consumer Advocates, “Resolution on Advancing Equity & Affordability in Utility Regulation” (2022), p. 4 (calling on utility regulators to “support policies that encourage participation of diverse voices in regulatory proceedings”). [↑](#footnote-ref-9)