

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE PROPER
PROCEDURES AND PROCESS FOR THE
COMMISSION'S OPERATIONS AND
PROCEEDINGS DURING THE DECLARED
STATE OF EMERGENCY AND RELATED
MATTERS.

CASE NO. 20-591-AU-UNC

ENTRY

Entered in the Journal on March 12, 2020

I. SUMMARY

{¶ 1} Due to the declaration of a state of emergency, the Commission directs 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. The Commission also finds that its chair and deputy chair should be individually empowered to act and make decisions on behalf of the full Commission for the duration of the emergency. Finally, the Commission suspends paper and facsimile filing until further notice.

II. DISCUSSION

{¶ 2} Pursuant to R.C. 4905.02 and 4905.03, telephone companies, electric light companies (except regional transmission organizations), heating or cooling companies, natural gas companies, pipeline companies, and water-works and sewage disposal system companies (collectively, utility companies) are public utilities and, as such, are subject to the jurisdiction of the Commission.

{¶ 3} Although R.C. 4901.08 states that a majority of the public utilities commissioners constitutes a quorum, the statute further provides that:

No vacancy in the commission shall impair the right of the remaining commissioners to exercise all powers of the commission. * * * Any investigation,

inquiry, or hearing which the commission has power to undertake or to hold may be undertaken or held by or before any commissioner designated for such purpose by the commission, and every finding, order, or decision made by a commissioner so designated, pursuant to such investigation, inquiry, or hearing, and approved and confirmed by the commission and ordered filed in its office, is the finding, order, or decision of the commission.

{¶ 4} R.C. 4909.16 provides, in part, that, in the event of an emergency, when the Commission finds it necessary to prevent injury to the business or interests of the public or of any public utility, it may temporarily alter, amend, or suspend any existing rates or schedules.

{¶ 5} On March 9, 2020, the governor signed Executive Order 2020-01D (Executive Order), declaring a state of emergency in Ohio to protect the well-being of Ohioans from the dangerous effects of COVID-19. As described in the Executive Order, state agencies are required to implement procedures consistent with recommendations from the Department of Health to prevent or alleviate the public health threat associated with COVID-19. Additionally, all citizens are urged to heed the advice of the Department of Health regarding this public health emergency in order to protect their health and safety. The Executive Order was effective immediately and will remain in effect until the COVID-19 emergency no longer exists. The Department of Health is making COVID-19 information, including information on preventative measures, available via the internet at coronavirus.ohio.gov/.

{¶ 6} In light of the governor's declaration of a state of emergency and in accordance with R.C. 4901.08, where in the judgment of the chair or deputy chair that it is not practical or feasible to convene a quorum of commissioners, the Commission finds that, for the duration of the emergency, the chair and deputy chair should each be individually empowered to act and make decisions on behalf of the full Commission that are necessary to address and mitigate the impacts of that emergency.

{¶ 7} Further, consistent with the Executive Order and the Commission's emergency authority under R.C. 4909.16, the Commission issues the following directives to ensure service continuity for customers and to mitigate risks of spreading COVID-19 through social contact during the state of emergency:

- (a) All utility companies should review their service disconnection policies, practices, and tariff provisions and identify areas where it may be prudent to suspend, for the duration of the emergency, otherwise applicable requirements that may impose a service continuity hardship on customers or create unnecessary risks of social contact. However, the Commission notes that, if disconnection to a customer is necessary to prevent or resolve a presently or imminently hazardous situation, the customer's service should be disconnected in accordance with standard practices.
- (b) All utility companies should promptly seek any necessary approval, for the duration of the emergency, 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. All such filings by the utility companies shall be deemed approved on an emergency basis for a period of at least 30 days effective as of the filing date or until such date as the Commission may otherwise specify, which shall not be less than 30 days.
- (c) All utility companies should coordinate and communicate with local community action agencies and other community-based organizations to ensure that utility service to customers is maintained during the state of emergency.

{¶ 8} Although the Commission recognizes that its jurisdiction does not extend to those utilities owned or operated by municipalities or cooperatives, the Commission urges such entities to undertake a similar review of their disconnection practices and policies and

to coordinate with local community action agencies to ensure continuity of service during the declared emergency.

{¶ 9} The Commission also finds that paper and facsimile filing of documents with the Commission's docketing division is suspended until further notice.

{¶ 10} Additionally, the Commission encourages interested persons to promptly notify the Commission of suggestions that the Commission should consider to avoid the imposition of a service continuity hardship on customers or the creation of unnecessary COVID-19 risks associated with social contact. Comments may be filed in this docket electronically. Comments may also be submitted by electronic mail: ContactthePUCO@puco.ohio.gov or mail: Public Utilities Commission of Ohio, 180 East Broad Street, Columbus Ohio 43215. All correspondence should reference Case No. 20-591-AU-ORD. Interested stakeholders and the general public are also encouraged to take part in the Commission's meetings by webcast at <https://www.puco.ohio.gov/media-room/puco-webcast/>.

III. ORDER

{¶ 11} It is, therefore,

{¶ 12} ORDERED, That, for the duration of the emergency, the chair and deputy chair be individually empowered to act and make decisions on behalf of the full Commission, in accordance with Paragraph 6. It is, further,

{¶ 13} ORDERED, That the procedural directives set forth in Paragraph 7 be adopted with respect to the utility companies' continuity of service. It is, further,

{¶ 14} ORDERED, That paper and facsimile filing of documents with the Commission's docketing division be suspended until further notice. It is, further,

{¶ 15} ORDERED, That comments be submitted to the Commission in accordance with Paragraph 10. It is, further,

{¶ 16} ORDERED, That notice of this Entry be served via the Electric-Energy, Gas-Pipeline, Railroad, Telephone, Transportation, and Water industry service lists.

COMMISSIONERS:

Approving:

Sam Randazzo, Chairman

M. Beth Trombold

Lawrence K. Friedeman

Daniel R. Conway

GAP/SJP/mef

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

Summary: Entry ordering that due to the declaration of a state of emergency, the Commission directs 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. The Commission also finds that its chair and deputy chair should be individually empowered to act and make decisions on behalf of the full Commission for the duration of the emergency. Finally, the Commission suspends paper and facsimile filing until further notice. electronically filed by Docketing Staff on behalf of Docketing