

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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

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**COMMENTS  
RECOMMENDING THE PUCO IMMEDIATELY HALT DOOR-TO-DOOR SALES OF  
ELECTRICITY AND NATURAL GAS BY ENERGY MARKETERS, TO PREVENT  
UNNECESSARY CORONAVIRUS RISKS TO OHIOANS  
BY  
THE OFFICE OF THE CONSUMERS’ COUNSEL**

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OCC, the state advocate for millions of residential consumers, recommends that the PUCO immediately and indefinitely halt energy marketers’ door-to-door sales, so as to protect Ohioans from the coronavirus. On March 9, 2020, Governor DeWine declared a state of emergency to protect the health and safety of Ohioans from the dangerous effects of the coronavirus pandemic.<sup>1</sup> As part of the state-declared emergency, the Governor directed state agencies to develop and implement procedures, including suspending or adopting temporary rules, to prevent or alleviate the public health threat caused by the coronavirus.<sup>2</sup>

On March 12, 2020, the Public Utilities Commission of Ohio (“PUCO”) opened this docket. It directed all utility companies to review their service disconnection policies, practices, and tariffs and promptly seek approval to suspend requirements that may “impose a service continuity hardship on residential and non-residential customers” or “create unnecessary

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<sup>1</sup> Executive Order 2020-01D.

<sup>2</sup> *Id.* at 3.

COVID-19 risks associated with social contact.”<sup>3</sup> The PUCO ordered utilities to “ensure that utility service to customers is maintained during the state of emergency.”<sup>4</sup> The PUCO also extended the winter reconnection order through May 1, 2020.

Utility disconnections during this state of emergency would be ill-advised and dangerous for Ohioans, especially when Ohioans will be spending more time at home, putting social distancing into practice. The PUCO’s directive addresses this concern.

The PUCO also encouraged interested persons to file comments to promptly notify it of suggestions for protection of the public. Door-to-door sales of energy are inherently problematic for consumers, but now are an unacceptable risk during the public health emergency. The PUCO should immediately<sup>5</sup> and indefinitely suspend door-to-door solicitation of Ohio utility customers by marketers of natural gas and electricity

With schools and potentially businesses closing for the next three weeks (and maybe much longer),<sup>6</sup> there will be even more Ohioans at home and subject to what are now health risks of door-to-door sales. Responsible marketers would already be suspending their door-to-door sales. But, as is clear from several recent mismarketing cases, the PUCO cannot allow the marketing industry to self-regulate.<sup>7</sup> The Pennsylvania Public Utility Commission today issued

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<sup>3</sup> Entry at ¶6(a).

<sup>4</sup> *Id.* at ¶6(c).

<sup>5</sup> Under the PUCO’s rules, energy marketers can market and enroll residential utility customers by telephone and in person, through door-to-door solicitation. Ohio Adm. Code 4901:1-21-05, .06; 4901:1-29-05, .06.

<sup>6</sup> <https://www.cnn.com/videos/politics/2020/03/15/sotu-ohio-schools.cnn>

<sup>7</sup> See, e.g., *In the Matter of the Commission’s Investigation into PALMco Power Oh LLC*, Case No. 19-957-GE-COI; *In the Matter of the Commission’s Investigation into PALMco Power Oh, LLC*, Case No. 19-2153-GE-COI; *In the Matter of the Commission’s Investigation into Verde Energy USA Ohio LLC.*, Case No. 19-958-GE-COI; *In the Matter of the Motion to Modify the Exemption Granted to the East Ohio Gas Company*, Case No. 18-1419-GA-EXM.

an emergency order directing “the cessation of all door-to-door, public event and in person sales and marketing activities, regardless of customer class, in order to minimize all non-essential personal contact.”<sup>8</sup> Suspending the door-to-door marketing would also be protective of the energy marketer employees or agents who would otherwise conduct in-person solicitation.

The PUCO has authority to place a moratorium on energy marketing and has done so in the past, as well as there now being state and federal emergency actions.<sup>9</sup> For the health of Ohioans, the PUCO should immediately suspend door-to-door marketing.

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<sup>8</sup> *Re Supplier Door-to-Door and In-Person Marketing Moratorium Proclamation of Disaster Emergency – COVID-19*, PA PUC Docket No. M-2020-3019254, Emergency Order (Mar. 16, 2020). <http://www.puc.state.pa.us/pcdocs/1658467.pdf>

<sup>9</sup> See, e.g., *In the Matter of the Application of the Cincinnati Gas & Electric Company for an Increase in its Rates for Gas Service to All Jurisdictional Customers*, Case No. 95-656-GA-AIR, Supplemental Opinion and Order (July 2, 1997)(moratorium on promotional advertising and customer solicitation by marketers regarding a new gas transportation program by CG&E); *In the Matter of the Application of East Ohio Gas Company for Authority to Implement Two New Transportation Services, for Approval of a New Pooling Agreement and Approval of a Revised Transportation Migration Rider*, Case No. 96-1019-GA-AIR, Opinion and Order (July 2, 1997) (ordering a moratorium on promotional advertising and customer solicitation by marketers).

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Comments were served via electric transmission on the persons stated below this 16th day of March 2020.

/s/ Maureen R. Willis

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

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Summary: Comments Comments Recommending the PUCO Immediately Halt Door-to-Door Sales of Electricity and Natural Gas by Energy Marketers, to Prevent Unnecessary Coronavirus Risks to Ohioans by the Office of the Ohio Consumers' Counsel electronically filed by Ms. Deb J. Bingham on behalf of Willis, Maureen R Mrs.