

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 17, 2020

I. SUMMARY

{¶ 1} Due to the declaration of a state of emergency, the Commission directs all competitive retail electric service providers and all competitive retail natural gas service suppliers to suspend door-to-door and in-person marketing activities as such marketing activities create unnecessary risks of social contact.

II. DISCUSSION

{¶ 2} R.C. 4928.08 states that no electric services company shall provide a competitive retail electric service (CRES) to a consumer in this state without first being certified by the Commission. R.C. 4928.16(A) states that the Commission has jurisdiction under R.C. 4905.26, upon initiative of the Commission, regarding the provision by an electric services company or governmental aggregator subject to certification under R.C. 4928.08 of any service for which it is subject to certification. Similarly, R.C. 4929.20 states that no retail natural gas supplier shall provide a competitive retail natural gas service (CRNGS) to a consumer without first being certified by the Commission. R.C. 4929.24 states that the Commission has jurisdiction under R.C. 4905.26, upon initiative of the Commission, regarding the provision by a retail natural gas supplier subject to certification under R.C. 4929.20 of any service for which it is subject to certification.

{¶ 3} R.C. 4928.02 states that it is the policy of this state to ensure retail electric service consumers protection against unreasonable sales practices and to protect at-risk populations. R.C. 4928.02(I) and (L). Ohio Adm.Code 4901:1-21-02(B) states that after notice

and, if necessary, an opportunity for hearing, the Commission, upon its own motion, may require CRES providers to take any appropriate action necessary to comply with the state's policy as stated in R.C. 4928.02. Similarly, Ohio Adm.Code 4901:1-29-02 states that after notice and, if necessary, an opportunity for hearing, the Commission, upon its own motion, may require CRNGS suppliers to take any appropriate action necessary to comply with the state's policy as stated in R.C. 4929.02.

{¶ 4} 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/.

{¶ 5} Pursuant to R.C. 3703.13, the Ohio Director of the Department of Health has the authority to issue orders and has supervisory authority over "all matters relating to the preservation of life and the health of the people" and the "ultimate authority in matters of quarantine and isolation." On March 12, 2020, the Director of the Department of Health issued an Order indicating that "all persons are urged to maintain social distancing (approximately six feet away from other people) whenever possible."

{¶ 6} On March 12, 2020, the Commission opened this proceeding. On March 12, 2020, the Commission directed all public utilities in this state to review their disconnection procedures in light of the state of emergency. On March 13, 2020, the Commission directed all public utilities in this state to review their reconnection procedures and extended the winter reconnection order through May 1, 2020.

{¶ 7} Marketing practices involving in-person contact like door-to-door and in-store marketing by CRES and CRNGS suppliers present unnecessary risks of spreading COVID-19 to all individuals, particularly with respect to at-risk populations in Ohio. These practices are, therefore, in conflict with the Governor's Executive Order, the March 12, 2020 Order of the Director of the Ohio Department of Health, and the policy of this state. Accordingly, the Commission directs CRES providers and CRNGS suppliers to immediately suspend, for all customer classes, all door-to-door and in-store marketing to customers as well as any other sales or solicitation practice that involves in-person contact in this state for the duration of the emergency, unless otherwise ordered by the Commission. The Commission further finds that no hearing is necessary at this time.

III. ORDER

{¶ 8} It is, therefore,

{¶ 9} ORDERED, That CRES providers and CRNGS suppliers immediately suspend, for all customer classes, all door-to-door and in-person marketing to customers in this state for the duration of the emergency, unless otherwise ordered by the Commission. It is, further,

{¶ 10} 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

Daniel R. Conway

GAP/mef

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

Summary: Entry directing all competitive retail electric service providers and all competitive retail natural gas service suppliers to suspend door-to-door and in-person marketing activities as such marketing activities create unnecessary risks of social contact. electronically filed by Ms. Mary E Fischer on behalf of Public Utilities Commission of Ohio