

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

FINDING AND ORDER

Entered in the Journal on April 8, 2020

I. SUMMARY

{¶ 1} In this Finding and Order, the Commission authorizes each eligible public utility in this state to obtain loans from the Federal Paycheck Protection Program. Additionally, the public utility's filings seeking necessary approvals to suspend otherwise applicable requirements, which were deemed approved by the Entry issued on March 12, 2020 on an emergency basis for a period of at least 30 days effective as of the filing date, will be extended an additional 30 days, unless otherwise ordered by the Commission.

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 are public utilities and, as such, are subject to the jurisdiction of the Commission.

{¶ 3} R.C. 4905.40 permits public utilities to "issue stocks, bonds, notes, or other evidences of indebtedness, payable at periods of more than [12] months after their date of issuance" when authorized by the Commission.

{¶ 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. 3701.13, the Ohio Department of Health has supervision of “all matters relating to the preservation of the life and health of the people” and the “ultimate authority in matters of quarantine and isolation.” On March 12, 2020, the Director of the Ohio 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.” On March 22, 2020, and as amended on April 2, 2020, the Director of the Ohio Department of Health issued an Order directing that from March 23, 2020 until May 1, 2020, with the exceptions outlined in the April 2, 2020 Director of the Ohio Department of Health Order, “all individuals currently living within the State of Ohio are ordered to stay at home or at their place of residence except as allowed in [the] Order. *** All persons may leave their homes or place of residence only for Essential Activities, Essential Governmental Functions, or to participate in Essential Businesses and Operations,” as defined in the Order.

{¶ 6} On March 12, 2020, the Commission opened this proceeding and directed all public utilities under our 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 risks of social contact.

{¶ 7} The Federal government has established the Paycheck Protection Program, which authorizes up to \$349 billion in forgivable loans to small businesses to retain their employees during the COVID-19 crisis.

{¶ 8} The Commission notes that a number of public utilities in this state are small businesses which may be eligible for this loan. Therefore, pursuant to our authority under

R.C. 4905.40, the Commission authorizes any public utility in this state which is eligible for the Paycheck Protection Program to obtain loans from the Program without the need for any further approval from the Commission. Any public utility who participates in the Federal Paycheck Protection Program is directed to notify the Director of the Commission's Utilities Department.

{¶ 9} As noted above, by Entry issued on March 12, 2020 in this proceeding, the Commission directed each public utility to 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 risks of social contact. All such filings by the public utilities are 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. The Commission has received a number of filings pursuant to this directive. In order to allow Staff sufficient time to review these filings and consistent with the March 22, 2020 Order of the Director of the Ohio Department of Health, that was amended on April 2, 2020, Commission approval of each filing will be extended an additional 30 days, unless otherwise ordered by the Commission. We also note that the automatic approval does not extend to requests for accounting authority or incremental cost recovery. Entry (Mar. 20, 2020) at ¶ 13. Nonetheless, all public utilities should continue to 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.

III. ORDER

{¶ 10} It is, therefore,

{¶ 11} ORDERED, That eligible public utilities in this state be authorized to obtain loans from the Federal Paycheck Protection Program. It is, further,

{¶ 12} ORDERED, That nothing in this Finding and Order be construed to imply any guaranty or obligation as to the unsecured notes and other evidences of indebtedness or the associated interest on the part of the state of Ohio. It is, further,

{¶ 13} ORDERED, That nothing in this Finding and Order shall be binding upon this Commission in any future proceeding or investigation involving the justness or reasonableness of any rate, charge, rule, or regulation. It is, further,

{¶ 14} ORDERED, That notice of this Finding and Order 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
Dennis P. Deters

GAP/hac

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

Summary: Finding & Order authorizing each eligible public utility in this state to obtain loans from the Federal Paycheck Protection Program. Additionally, the public utility's filings seeking necessary approvals to suspend otherwise applicable requirements, which were deemed approved by the Entry issued on March 12, 2020 on an emergency basis for a period of at least 30 days effective as of the filing date, will be extended an additional 30 days, unless otherwise ordered by the Commission electronically filed by Heather A Chilcote on behalf of Public Utilities Commission of Ohio