

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE APPLICATION OF
DUKE ENERGY OHIO, INC. FOR
APPROVAL OF ITS TEMPORARY PLAN
AND WAIVER OF TARIFFS AND RULES
RELATED TO THE COVID-19 STATE OF
EMERGENCY.

CASE NO. 20-599-GE-UNC

IN THE MATTER OF THE APPLICATION OF
DUKE ENERGY OHIO, INC. FOR
APPROVAL OF A REASONABLE
ARRANGEMENT.

CASE NO. 20-856-EL-AEC

IN THE MATTER OF THE APPLICATION OF
DUKE ENERGY OHIO, INC. TO MODIFY
ITS ECONOMIC COMPETITIVENESS FUND
RIDER AND REQUEST FOR WAIVERS.

CASE NO. 20-857-EL-RDR

ENTRY

Entered in the Journal on April 27, 2020

{¶ 1} Duke Energy Ohio, Inc. (Duke or Company) is an electric light company as defined by R.C. 4905.03 and a public utility as defined by R.C. 4905.02, and, as such, is subject to the jurisdiction of this Commission.

{¶ 2} 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.

{¶ 3} R.C. 4905.31 authorizes the Commission to approve schedules or reasonable arrangements between a public utility and one or more of its customers. The statute provides that every such schedule or reasonable arrangement shall be under the supervision and regulation of the Commission, and is subject to change, alteration, or modification 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.”

{¶ 6} On March 12, 2020, the Commission opened Case No. 20-591-AU-UNC and directed all utility companies in this state to review their disconnection procedures in light of the state of emergency. *In re 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 (*Emergency Case*), Entry (Mar. 12, 2020) at ¶ 7. On March 13, 2020, the Commission extended its winter reconnection order through May 1, 2020, and directed all utility companies in this state to review their reconnection procedures. *Emergency Case*, Entry (Mar. 13, 2020) at ¶ 6. In the March 12, 2020, and March 13, 2020 Entries, the Commission also directed all utility companies to promptly seek any necessary approval, for the duration of the emergency, to suspend otherwise applicable disconnection or reconnection requirements that may impose a service continuity or service restoration hardship on residential and non-residential customers or create unnecessary COVID-19 risks associated with social contact. The Commission determined that such filings 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.

{¶ 7} On March 19, 2020, in Case No. 20-599-GE-UNC, Duke filed an application proposing a temporary plan for addressing the COVID-19 state of emergency, which seeks the Commission's approval of certain policies, practices, and requirements the Company seeks to suspend pursuant to the Commission's March 12, 2020, and March 13, 2020 Entries and waiver of certain administrative rules. Duke proposes to suspend all disconnections for non-payment, waive all late-payment fees, waive electronic payment fees (credit cards, debit cards, electronic checks) for residential customers, waive credit reviews for reconnection, as well as other actions intended to minimize customer contact.

{¶ 8} By Entry dated March 20, 2020, the Commission directed all utility companies to suspend in-person, actual meter readings in circumstances where a meter is located inside a customer's home or similar location, as well as all other non-essential functions that may create unnecessary COVID-19 risks associated with social contact. The Commission also clarified that requests for accounting authority or incremental cost recovery related to the emergency will be addressed in each utility's individual case by subsequent entry. *Emergency Case*, Entry (Mar. 20, 2020) at ¶¶ 10-11, 13.

{¶ 9} On April 8, 2020, in the *Emergency Case*, the Commission, among other things, extended the 30-day automatic approval period for filings to suspend otherwise applicable disconnection requirements for an additional 30 days, unless otherwise ordered by the Commission. *Emergency Case*, Finding and Order (Apr. 8, 2020) at ¶ 9.

{¶ 10} On April 16, 2020, Duke filed an application in Case Nos. 20-856-EL-AEC and 20-857-EL-RDR for a reasonable arrangement proposal that will temporarily reduce the currently approved demand ratchet in applicable non-residential rates during the summer of 2020 and enable Duke to recover the lost revenues from those classes of customers. The proposed reasonable arrangement purports to provide temporary relief to reduce the financial hardships of its commercial and industrial customers. The Company proposes to

temporarily modify the minimum billing provisions for Rate Schedules DS, DP, and TS such that the application ratchet is lowered from 85 percent to 50 percent of the summer peak for 2019. Duke purports that a reduction in the current demand ratchet to 50 percent appropriately balances the interests of all non-residential customers on the affected Rate Schedules and yields an equitable outcome in respect to amounts to be recovered via the Company's Economic Competitiveness Fund Rider (Rider ECF). Duke proposes to defer and recover the delta revenues accumulated for bills rendered from May 1, 2020, through September 30, 2020, via its approved Rider ECF, not to exceed twelve months, subject to a final true-up beginning January 1, 2021. Lastly, Duke submits a request for waivers of Ohio Adm.Code 4901:1-38-06, 4901:1-38-08(A), and any additional regulations that the Commission deems necessary in order to enable its reasonable arrangement to become effective as expeditious as possible and the requested cost recovery to occur.

{¶ 11} Subsequently, on April 17, 2020, Duke amended its application in Case Nos. 20-856-EL-AEC and 20-857-EL-RDR to provide for Attachments A through C detailing clean and red-lined tariffs.

{¶ 12} On April 24, 2020, Staff filed its review and recommendations in response to Duke's request for approval of its emergency plan, as amended.

{¶ 13} In order to assist the Commission in its review of Duke's forgoing applications, the attorney examiner finds that motions for intervention and comments should be filed no later than May 7, 2020. Accordingly, any contrary deadline specified in Ohio Adm.Code Chapter 4901:1-38 that would otherwise apply to Duke's proposed reasonable arrangement is waived pursuant to Ohio Adm.Code 4901:1-38-02(B).

{¶ 14} It is, therefore,

{¶ 15} ORDERED, That the procedural schedule set forth in Paragraph 13 be adopted. It is, further,

{¶ 16} ORDERED, That a copy of this Entry be served upon all interested persons and parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/Lauren L. Augostini

By: Lauren L. Augostini
Attorney Examiner

JRJ/hac

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Case No(s). 20-0599-GE-UNC, 20-0856-EL-AEC, 20-0857-EL-RDR

Summary: Attorney Examiner Entry setting forth procedural schedule electronically filed by Heather A Chilcote on behalf of Lauren L. Augostini, Attorney Examiner, Public Utilities Commission of Ohio