

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. 20-599-GE-UNC
In the Matter of the Application of Duke Energy Ohio, Inc., Under the Commission’s Proceedings During the Declared State of Emergency, for a Reasonable Arrangement with Customers Served Under Rates DS, DP, and TS	) ) ) ) ) ) )	Case No. 20-856-EL-AEC
In the Matter of the Application of Duke Energy Ohio to Modify its Economic Competitiveness Fund Rider and Request for Waivers	) ) ) )	Case No. 20-857-EL-RDR

## I. Introduction

Pursuant to the procedural schedule established by the Public Utilities Commission of Ohio (the “Commission” or “PUCO”) for Case Nos. 20-599-GE-UNC, 20-856-EL-AEC, and 20-857-EL-RDR, the Ohio Environmental Council (“OEC”) submits these comments regarding Duke Energy’s (the “Company” or “Duke”) proposed plan for addressing the COVID-19 state of emergency. Duke’s plan came in response to an Entry in Commission-initiated Case No. 20-591-AU-UNC, *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*, requesting that all public utilities under its jurisdiction “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 nonresidential

customers or create unnecessary COVID-19 risks associated with social contact” due to the declared state of emergency. (*State of Emergency Proceeding*, Mar. 13, 2020, Entry at ¶ 1.) In response, Duke filed a *Motion to Suspend Certain Requirements* (Mar. 19, 2020), and a *Second Motion to Suspend Certain Limitations* (May 4, 2020) in Case No. 20-599-GE-UNC, as well as an Application (Apr. 16, 2020) and amended Application (to include attachments) (filed Apr. 17, 2020) in Case Nos. 20-856-EL-AEC and 20-857-EL-RDR. The PUCO Staff has filed its *Review and Recommendation* (Apr. 24, 2020) and a corrected *Review and Recommendation* (Apr. 28, 2020), to which the OEC now responds in these Comments.

## **II. Comments**

The OEC appreciates the Commission’s expedient action to ensure protection of Ohioans’ basic needs and minimize the hardships faced in light of the COVID-19 pandemic. Additionally, the OEC is generally supportive of the proposed plan set out by Duke, subject to the comments set forth below, and appreciates the Company’s recognition of the unprecedented nature of these circumstances and steps that must be taken to ensure all Ohioans are protected during this crisis.

Environmental justice communities across Ohio--just as they are when climate impacts affect our state--will be the most at-risk population as a result of the COVID-19 pandemic, often living in communities in closer proximity to significant sources of air pollution and suffering from increased rates of asthma. These communities include Ohioans who live in some of our poorest and most polluted environments, who will be the most severely impacted financially as a result of job loss and economic collapse, as well as most at-risk for COVID-19 and complications therefrom due to subpar air quality. With these communities in mind, the OEC submits the following comments on the Company’s proposed plan and Staff’s Recommendation.

### **A. Duration of the Suspension of Certain Policies, Practices, and Requirements for Retail Electric and Natural Gas Customers**

The OEC supports the Company's disconnection and continuity of service plan, and agrees that suspending disconnections and removing financial barriers to reconnection or continuity of service, including charging deposits, late fees for commercial customers, and reconnection fees, are appropriate and necessary steps given the current circumstances.

However, Duke failed to identify an end-date for the disconnection and continuity of service plan. Staff has recommended that if the Commission approves the waivers requested by Duke they should be “valid for a specified period of time”. Duke’s proposal should continue throughout the declared state of emergency and for a period of time thereafter to ensure appropriate plans can be made to properly recover from the emergency.

In such uncertain times, the Commission should be extending the disconnection and service continuity plan long enough to ensure appropriate plans can be put in place to address the crisis facing our state, and ensure that a return to the normal procedures will not exacerbate problems currently being faced. Ohioans are being laid off in record numbers, and ensuring that we have a stable environment for utility customers is critical prior to lifting the important measures in the disconnection and service continuity plan proposed by Duke. As we move into summer, the need to ensure continued electric service will only grow more critical. A nationwide study showed that a one unit increase of atmospheric particulate matter lead to a 15% increase in the COVID-19 death rate, and environmental justice communities across Ohio will be the hardest hit if they are unable to keep their homes properly sealed and cooled.

Duke customers should be given a reasonable period of time to ensure proper recovery from the emergency, and that reasonable period should be determined in conjunction with Staff and consider stakeholder input, to ensure all perspectives and hardships are thoroughly considered,

prior to removing these incredibly important disconnect and continuity of service changes. If additional analysis is not done prior to reverting back to normal processes at the end of the declared state of emergency, the Commission runs the risk of compounding the problems related to bill payment and disconnects that this very order is seeking to remedy.

As the Commission recognized in its *Finding & Order* on May 6, 2020 in AEP Ohio's proposed plan for disconnection and continuity of service in its territory, "even in light of the emergency, service disconnections for non-payment cannot be suspended indefinitely", but in order to be "consistent with the Executive Order and the Commission's emergency authority under R.C. 4909.16," the Commission directed AEP Ohio "to work with Staff to develop a plan for the resumption of meter reading and of service disconnections, including timelines and provisions for extended payment plans for both residential and non-residential customers impacted by this emergency." The Commission also required that the plan "be filed in these dockets at least 45 days prior to the resumption of service disconnections" and permits interested persons to file comments regarding the plan within ten days after the filing of the plan. PUCO Case Nos. 20-602-EL-UNC, et al., *Finding & Order*, (May 6, 2020) at 7.

The OEC therefore recommends that the Duke's planned suspension of disconnections and removal of financial barriers to reconnection or continuity of service only be discontinued after a reasonable period of time in which Staff, Duke, and stakeholders are able to assess whether it is appropriate to return processes to normal, pursuant to the same process set up in the AEP Ohio docket cited above.

## **B. Reasonable Arrangement**

Duke has also requested to provide relief for the financial hardships that commercial and industrial customers may face as a result the COVID 19 emergency. Duke proposes to collect the deferred amounts, plus carrying costs, through its Economic Competitiveness Fund Rider (Rider ECF), which typically would socialize the foregone revenues across all residential and nonresidential customers. However, Duke has requested that the Commission provide a waiver to allow it to modify Rider ECF to allocate the foregone revenues to *only* the classes of customers that are being provided with the billing relief, thereby protecting the residential class of customers from shouldering the burden of this relief.

The OEC supports this request, as only customer classes causing those costs should be required to repay the costs after this period of crisis ends. Basic fairness and equity demand that residential customers, who may already be in a precarious financial position, be protected from bailing out commercial and industrial customers from costs that do not benefit them. As the Commission recognized in it's decision on AEP Ohio's proposed plan, "recovery of the resulting foregone minimum billing demand revenue should be collected from those commercial and industrial customers that will benefit from the proposal through a reasonable extended payment plan that the Company makes available to non-residential customers." PUCO Case No. 20-602-EL-UNC, et al., *Finding & Order*, (May 6, 2020) at 13-14.

## **III. Conclusion**

The Ohio Environmental Council appreciates the Commission's prompt attention to this

urgent matter affecting Ohioans, and urge adoption of the plan put together by Duke Energy Ohio subject to the recommendations contained herein.

Respectfully Submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing was served upon all parties of record via electronic mail on May 7, 2020.

/s/Miranda Leppla \_\_\_\_\_  
Miranda Leppla

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Summary: Comments of the Ohio Environmental Council electronically filed by Ms. Miranda R Leppla on behalf of Ohio Environmental Council