

## 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 May 20, 2020

{¶ 1} 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/](https://coronavirus.ohio.gov/).

{¶ 2} 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.”

{¶ 3} The Supreme Court of Ohio has found that the Commission is vested with considerable discretion “to decide how, in light of its internal organization and docket considerations, it may best proceed to manage and expedite the orderly flow of its business, avoid undue delay and eliminate unnecessary duplication of effort.” *Toledo Coalition for Safe Energy v. Pub. Util. Comm.*, 69 Ohio St.2d 559, 560, 433 N.E.2d 212 (1982); *see also Sanders*

*Transfer, Inc. v. Pub. Util. Comm.*, 58 Ohio St.2d 21, 23, 387 N.E.2d 1370 (1979) (“The public utilities commission is invested with a discretion as to its order of business, and there is such a wide latitude of that discretion that this court may not lawfully interfere with it, except in extreme cases.”).

{¶ 4} On March 12, 2020, the Commission opened this proceeding and issued the first of several entries in response to the current state of emergency.

{¶ 5} By Entry dated March 16, 2020, the attorney examiner directed that any time period prescribed by order, statute, or rule for the Commission to act upon a pending application or other filing should be tolled during the state of emergency and also during the 14 days thereafter. Further, the attorney examiner indicated that, during the declared emergency, Staff would continue to investigate pending applications and the Commission would act on such applications on a case-by-case basis.

{¶ 6} At this time, the attorney examiner finds that the tolling directive in the March 16, 2020 Entry should be modified as set forth herein. Although the state of emergency remains in effect, the attorney examiner finds that the tolling provision can be lifted, while continuing to ensure the orderly flow of the Commission’s business. Accordingly, the tolling of any time period prescribed by order, statute, or rule for the Commission to act upon a pending application or other filing should be terminated effective June 1, 2020. Further, the attorney examiner directs that, notwithstanding the prior tolling provision, any tariff filings involving the adjustment of a public utility’s rate or charge that is proposed to take effect with the June 2020 or later billing cycles pursuant to an automatic approval process prescribed by order, statute, or rule shall be deemed approved pursuant to that process, unless suspended or otherwise ordered by the Commission.

{¶ 7} It is, therefore,

{¶ 8} ORDERED, That the tolling directive set forth in the March 16, 2020 Entry be modified in accordance with Paragraph 6. It is, further,

{¶ 9} ORDERED, That notice of this Entry be served via the Electric-Energy, Gas Pipeline, Railroad, Telephone, and Water industry service lists.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/ Sarah J. Parrot

By: Sarah J. Parrot  
Attorney Examiner

NJW/mef

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

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**in**

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

Summary: Attorney Examiner Entry ordering the tolling directive set forth in the March 16, 2020 Entry be modified in accordance with Paragraph 6. electronically filed by Ms. Mary E Fischer on behalf of Sarah J. Parrot, Attorney Examiner, Public Utilities Commission of Ohio