

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Motion of The East	)	
Ohio Gas Company d/b/a Dominion Energy	)	
Ohio to Suspend or Modify Certain Procedures	)	Case No. 20-600-GA-UNC
During the COVID-19 State of Emergency	)	
And Related Matters.	)	

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**OHIO PARTNERS FOR AFFORDABLE ENERGY’S MEMORANDUM CONTRA TO  
THE APPLICATION FOR REHEARING BY THE OFFICE OF THE OHIO  
CONSUMERS’ COUNSEL**

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**I. Introduction**

On March 9, 2020, Governor DeWine declared a state of emergency regarding the COVID-19 pandemic and the Commission subsequently issued as series of Entries in Case No. 20-591-AU-UNC (Emergency Case) starting on March 12, 2020. In response to the Commission’s directive in the Emergency Case, The East Ohio Gas Company, doing business as Dominion Energy Ohio (“DEO”) filed a Motion for Suspension on March 17, 2020. On June 3, 2020 the Commission reviewed Columbia’s Motion to Suspend and the intervenors’ Comments and issued its Finding and Order. The Commission directed DEO to work with Staff and file a comprehensive transition plan before resuming suspended activities. Finding and Order (June 3, 2020) at ¶29.

On July 6, 2020, the Office of the Ohio Consumers’ Counsel (the “OCC”) filed an Application for Rehearing alleging four Assignments of Error. Ohio Partners for Affordable Energy (“OPAE”) submits this memo contra in response to OCC’s Application for Rehearing.

## **II. Argument**

### **A. The OCC's first Assignment of Error should be denied because it is OCC attempting to substitute its judgment for that of the Commission's.**

The OCC's first Assignment of Error claims the Commission erred in failing to require DEO to reconnect any customer who was disconnected for nonpayment within the thirty days or more prior to Governor's March 9, 2020 State of Emergency declaration. While OPAE generally agrees that DEO should work to reconnect its customers (to the extent it has not already) who have been disconnected as a result of the COVID-19 pandemic, OCC's alleged error is not an error at all.

The Commission considered the very request OCC now highlights and found it to be overly strict and unnecessary. Finding and Order at ¶30. The Commission's decision to decline to adopt a recommendation of a party does not amount to an error worthy of rehearing. The OCC alleges that the Commission rejection was not thoroughly explained and therefore constitutes a violation of R.C. 4903.09. OCC's Application for Rehearing at p. 4. Revised Code 4903.09 requires that the Commission provide a written opinion setting forth the reasons for its Decision. The Commission did so in its Finding and Order when it explained it found OCC's suggestion overly strict. Finding and Order at ¶30. Instead, the Commission encouraged DEO to work directly with customers to establish payment plans for those customers that need it. *Id.* The OCC's alleged error is simply a rehash of its arguments that were previously denied.

The OCC's first Assignment of Error should be denied.

### **B. The OCC's second and third Assignments of Error should be rejected as premature.**

The OCC's second and third Assignments of Error both attack the Commission's Finding and Order for failing to recognize the ongoing nature of the pandemic and to order and indefinite suspension on disconnections as a result. The OCC noted that while the Commission rejected

these suggestions it did order DEO to file a transition plan. OCC's Application for Rehearing Memorandum in Support at pp. 4. OCC also stated that DEO's transition plan is woefully premature as the pandemic is ongoing. Id. at p. 5.

OPAE agrees with OCC that the pandemic is an ongoing concern that will need to be monitored closely and it is possible further action by the Commission will be necessary to protect customers during these challenging times. However, blanket, indefinite suspensions are not the best option to protect customers and, in the long-term, can make it harder for customers to get back on track with their utility. Instead, customers should utilize the bill payment assistance options and programs available to them as well as work with their utility to establish payment plans that fit their budgets.

Further, the issues contained in OCC's second and third Assignments of Error are premature as they should be decided in the Commission's consideration of DEO's transition plan. The Commission has ordered DEO to file a transition plan and DEO has done so. OCC availed itself of the opportunity to file comments on that plan. The Commission can properly decide the issues raised in OCC's second and third Assignments of Error when it considers DEO's transition plan and other intervenor comments.

The OCC's second and third Assignments of Error should be denied as premature.

**C. The OCC's fourth Assignment of Error should be denied because it is simply the OCC attempting to substitute its judgment for that of the Commission's.**

The OCC's fourth Assignment of Error claims the Commission erred by failing to adopt the consumer protection recommendations of the National Consumer Law Center as proposed by OCC. The Commission rejected this suggestion in its Finding and Order and noted that all the same issues are being dealt with on a utility by utility basis in each COVID-19 docket. Finding and Order at ¶46.

The OCC claimed this rejection is unreasonable and must be modified as a violation of R.C. 4903.09. OCC's Application for Rehearing Memorandum in Support at p. 7. Yet, the OCC's provides no non-policy justification for this claim. Instead, the OCC simply disagrees with the Commission's decision and is again rehashing its already considered and rejected arguments again in attempt to achieve a different outcome. The rehashing of these arguments does not present a basis for modification of the Commission's Finding and Order. Additionally, the Commission explained it was addressing the same issues covered by the proposed rules in each utility's emergency docket and therefore there is no need for overarching uniform rules. Finding and Order at ¶46. This is sufficient explanation to satisfy R.C. 4903.09.

The OCC's fourth Assignment of Error should be denied.

### **III. Conclusion**

For the foregoing reasons, OPAE respectfully request that the Commission deny the OCC's Application for Rehearing.

/s/Robert Dove  
Robert Dove (0092019)  
Kegler Brown Hill + Ritter Co., L.P.A.  
65 E State St., Ste. 1800  
Columbus, OH 43215-4295  
Office: (614) 462-5443  
Fax: (614) 464-2634  
[rdove@keglerbrown.com](mailto:rdove@keglerbrown.com)

(Willing to accept service by email)  
**Attorney for OPAE**

**CERTIFICATE OF SERVICE**

I certify that The Public Utilities Commission of Ohio's e-filing system will electronically serve notice of the filing of this document on the parties referenced on the service list of the docket card who have electronically subscribed to the case.

/s/ Robert Dove  
Robert Dove

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Summary: Memorandum Contra the Office of the Ohio Consumers' Counsel's Application for Rehearing electronically filed by Mr. Robert Dove on behalf of Ohio Partners for Affordable Energy