

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Motion of Columbia)
Gas of Ohio, Inc. to Suspend Certain) Case No. 20-637-GA-UNC
Procedures and Process During the)
COVID-19 State of Emergency and)
Related Matters.)

**APPLICATION FOR REHEARING OF THE PUCO'S ORDER ON THE
EMERGENCY TRANSITION PLAN OF COLUMBIA GAS
BY
THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

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July 17, 2020

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The PUCO’s approval of Columbia Gas of Ohio’s proposal to transition to pre-pandemic operations is premature. A major development this week (July 15) is that Governor Mike DeWine addressed the people of Ohio regarding the threat of the coronavirus, again showing his great concern for their safety and welfare.¹ The Governor advised that “We have now reached THE most critical point in our battle against the coronavirus.” (Original emphasis) He warned that “If all of us do not take immediate action to slow this virus down, the tragedy that we see playing out on our television screens every day in Florida, Texas, Arizona, and California may well be our reality in just a matter of weeks.” He informed that “Clearly – clearly the virus is spreading with a vengeance across many parts of Ohio and lurks, waiting to attack victims in all of our 88 counties. Tragically, in just four months, we have already lost 3,075 Ohioans to this

¹ “As Prepared Address to the Citizens of Ohio,” Ohio Governor Mike DeWine (July 15, 2020) (see Attachment); https://content.govdelivery.com/attachments/OHOOD/2020/07/15/file_attachments/1496675/Address%20to%20the%20People%20of%20Ohio%20As%20Prepared%2007.15.20.pdf.

dreaded disease – nearly the same number of Ohioans who died in the Vietnam War (3,094).” (Footnote omitted)

He continued that “Ohio is sliding – sliding down a very dangerous path, with our once flattened-curve starting to sharpen and spike.... Weeks can be the difference between who lives and who dies in Ohio.” And he said “But masks are not enough.... Good decisions will protect the economy and save lives. Reckless ones will hurt and kill.”

The Public Utilities Commission of Ohio (“PUCO”) issued its Transition Plan Order² approving a transition plan by Columbia Gas of Ohio (“Columbia”) to resume its pre-coronavirus operations including, among other things, gas service disconnections for non-payment, collection of late and reconnection fees, and the imposition of strict Percentage of Income Payment Plan (“PIPP”) requirements beginning July 29, 2020. Resumption of these activities as noted above, is premature, and will add undue stress to consumers who are already suffering from the coronavirus pandemic and the ensuing economic emergency, which have no end in sight. The PUCO’s Transition Plan Order dismantles consumer protections at a time when coronavirus cases are increasing, and customers are in dire need of assistance.

Columbia’s service territory includes some of the most at-risk populations in Ohio. For example, *even before the pandemic*, Athens, Ohio had a poverty rate of 51.6%³

² Supplemental Finding and Order (June 17, 2020) (“Transition Plan Order”).

³ <https://www.welfareinfo.org/poverty-rate/ohio/athens>.

and a food insecurity rate of 19.3%.⁴ In Toledo, Ohio poverty is high at about 26.5%⁵ (pre-pandemic) and in Lucas County food insecurity is high at about 17.5% (pre-pandemic).⁶ Recent pandemic-related data show food insecurity *statewide* at 23%,⁷ so circumstances no doubt are worsening for consumers in the 61 Ohio counties Columbia serves.

Further, according to a study, 503,500 renters in Ohio were unable to pay their rent in June.⁸ And given social disparities, black Americans tend to be included in at-risk groups (such as low-income) at a disproportionately greater level than their percentage representation in the general population. In other words, people need protection and people need money now.

In a previous order approving Columbia's coronavirus emergency plan⁹ the PUCO took action to protect consumers during this time of the coronavirus emergency. Those actions included suspending disconnections and encouraging Columbia to establish extended payment plans to assist customers in paying their bills. But the PUCO's Transition Plan Order dismantles those protections at a time when coronavirus cases are increasing. The pandemic is far from over, and Columbia's plan to resume its

⁴ <https://map.feedingamerica.org/county/2017/overall/ohio/county/athens>.

⁵ <https://www.welfareinfo.org/poverty-rate/ohio/toledo>.

⁶ <https://map.feedingamerica.org/county/2017/overall/ohio/organization/toledo-northwestern-ohio-food-bank>.

⁷ <http://ohiofoodbanks.org/files/2019-20/Press-Release-OAF-urges-SNAP-increase-6.15.20.pdf>. See also <https://www.msn.com/en-us/money/markets/coronavirus-food-insecurity-has-doubled-locally-across-ohio/ar-BB161LqN>.

⁸ See <https://www.census.gov/data/tables/2020/demo/hhp/hhp8.html>, Housing Table 1(b), Ohio tab; Also <https://cohhio.org/9561-2/>.

⁹ Finding and Order (May 20, 2020) ("Emergency Plan Order").

pre-pandemic operations is premature and would harm customers who are in dire need of assistance.

The PUCO's order was unreasonable and unlawful in the following respects:

ASSIGNMENT OF ERROR NO. 1: The PUCO erred by permitting Columbia to resume service disconnections for customer nonpayment beginning July 29, 2020. The PUCO should use its emergency powers under R.C. 4909.16 to extend the moratorium against disconnections for nonpayment for a reasonable period of time after the declared emergency has ended.

ASSIGNMENT OF ERROR NO. 2: The PUCO erred by permitting Columbia to resume assessing late fees, reconnection fees, and delinquent charges on consumers beginning July 29, 2020. The PUCO should use its emergency powers under R.C. 4909.16 to waive these charges until a reasonable period of time after the declared emergency has ended.

ASSIGNMENT OF ERROR NO. 3: The PUCO erred by permitting Columbia to resume imposing strict PIPP eligibility requirements on customers beginning July 29, 2020. The PUCO should use its emergency powers under R.C. 4909.16 to suspend PIPP eligibility requirements until a reasonable period of time after its declared emergency has ended.

ASSIGNMENT OF ERROR NO. 4: The PUCO erred by permitting Columbia to resume its in-home weatherization programs beginning July 13, 2020. The PUCO should use its emergency powers under R.C. 4909.16 to require utilities to suspend in-home weatherization programs until the threat to consumers of the coronavirus has passed.

The reasons in support of this application for rehearing are set forth in the accompanying Memorandum in Support. The PUCO should grant rehearing and abrogate or modify its Order as proposed by OCC.

Respectfully submitted,

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I. INTRODUCTION

The coronavirus emergency and the ensuing economic emergency have led to much suffering this year for many Ohioans, including among at-risk populations in the 61 counties that Columbia serves, which include some of the most impoverished in Ohio and the United States.¹⁰ There are looming health and financial concerns with the coronavirus, and the PUCO should take action to protect Columbia's consumers. These concerns can and should be addressed by granting OCC's application for rehearing.

The statutory standard for abrogating or modifying some portions of the Transition Plan Order is met here. The PUCO should grant and hold rehearing on the matters specified in this Application for Rehearing and abrogate or modify the Transition Plan Order consistent with OCC's Recommendations herein.

¹⁰ Compare <https://www.cleveland.com/datacentral/2020/01/every-ohio-city-and-county-ranked-for-poverty-child-poverty-census-estimates.html>, showing the most impoverished counties in Ohio, to Columbia's service area map at <https://www.nisource.com/customers/where-we-serve>.

II. MATTERS FOR RECONSIDERATION

ASSIGNMENT OF ERROR NO. 1: The PUCO erred by permitting Columbia to resume service disconnections for customer nonpayment beginning July 29, 2020. The PUCO should use its emergency powers under R.C. 4909.16 to extend the moratorium against disconnections for nonpayment for a reasonable period of time after the declared emergency has ended.

OCC recommended in its comments that the PUCO should continue to suspend customer disconnections for a reasonable time after the coronavirus emergency.¹¹ But the PUCO rejected OCC's recommendation and instead approved Columbia's premature proposal to start disconnecting customers for nonpayment beginning July 29, 2020 – *less than two weeks from now*.

The PUCO's order in this respect is patently unreasonable and should be modified consistent with OCC's recommendation. The fact is that the coronavirus crisis is currently *escalating*.¹² So Columbia is proposing to lessen public protection of utility consumers at the same time that the injury to the public is increasing. Injury to the public is what the emergency statute (R.C. 4909.16) enables the PUCO to "prevent." Columbia has presented no evidence to justify its harmful proposal to resume service disconnections while there is no end in sight for the pandemic.

To consumers (including at-risk consumers) who could be disconnected and face the health crisis and financial crisis without Columbia's service – such as for heating water now and later for winter heating – the continuation of the moratorium against disconnections is essential. Protecting Ohio utility consumers from disconnection is a fit

¹¹ See OCC's Comments at 6-7.

¹² See e.g. The Columbus Dispatch, "DeWine ponders county-by-county approach as Ohio coronavirus cases rise" (June 28, 2020) <https://www.dispatch.com/news/20200628/dewine-ponders-county-by-county-approach-as-ohio-coronavirus-cases-rise>. See also <https://www.fox19.com/2020/06/25/watch-live-gov-dewine-give-update-states-coronavirus-response/>.

under the state’s emergency statute, R.C. 4909.16. The emergency statute provides for the PUCO to act when “necessary to prevent injury to the business or interests of the public...in case of any emergency....”

The PUCO should use its emergency authority to protect consumers now. The PUCO should modify its order allowing Columbia to resume service disconnections for nonpayment on July 29, 2020 and order Columbia to continue the moratorium against disconnections for nonpayment, for a reasonable time *after* the formal declared emergency ends.

ASSIGNMENT OF ERROR NO. 2: The PUCO erred by permitting Columbia to resume assessing late fees, reconnection fees, and delinquent charges on consumers beginning July 29, 2020. The PUCO should use its emergency powers under R.C. 4909.16 to waive these charges until a reasonable period of time after the declared emergency has ended.

Columbia’s consumers need help in these difficult times. However, the PUCO approved Columbia’s plan to resume collecting late fees, reconnection fees, and arrearages from consumers beginning July 29, 2020.¹³ The PUCO justified approving Columbia’s proposal because Columbia will offer customers a one-ninth payment plan and a waiver of reconnection deposits until November 1, 2020.¹⁴ The PUCO’s decision is premature and unreasonable and should be modified, in accordance with its emergency powers under R.C. 4909.16, to waive these charges until a reasonable time after the emergency has ended.

As noted above, there is no end in sight for the coronavirus pandemic, and the number of cases is increasing in Ohio. Forcing some of the neediest customers in this

¹³ Transition Plan Order, at ¶36.

¹⁴ *Id.*

state to pay late fees or other reconnection fees in order to maintain their essential utility service beginning as early as July 29, 2020 (in less than two weeks) is wrong. This is particularly true where, as here, the PUCO is allowing Columbia to resume imposing the PUCO's strict eligibility requirements for participation in the PIPP program.¹⁵ The PUCO also denied Ohio Partners for Affordable Energy's ("OPAE") proposal to require Columbia to offer customers a 24-month payment plan finding "a 24-month payment plan to be far too long for a payment plan, in general."¹⁶ The PUCO's Transition Plan Order permits Columbia to resume collection of late fees and other charges from consumers while at the same time unreasonably restricting consumers' access to appropriate payment plans that would help them through this difficult time. The PUCO's Transition Plan Order is unreasonable.

Moreover, the PUCO states that it "encourages" Columbia to work with customers on payment plans,¹⁷ but encouragement is not enough. The PUCO should, under R.C. 4909.16, *order* Columbia to take necessary action now to protect consumers including deferring the payment of late fees, reconnection fees, and arrearages until after the emergency ends. Payment of these charges should not be a pre-condition to service reconnection or to maintaining existing service in these difficult times.

¹⁵ Transition Plan Order, at ¶33.

¹⁶ Transition Plan Order, at ¶26.

¹⁷ Transition Plan Order, at ¶¶26, 36.

ASSIGNMENT OF ERROR NO. 3: The PUCO erred by permitting Columbia to resume imposing strict PIPP eligibility requirements on customers beginning July 29, 2020. The PUCO should use its emergency powers under R.C. 4909.16 to suspend PIPP eligibility requirements until a reasonable period of time after its declared emergency has ended.

Ohioans are facing uncertain times. No one can predict with accuracy how the health and financial challenges posed by the coronavirus will turn out or will end. As has been reported, utility consumers could face a second wave of pain – looming utility shutoffs.¹⁸ In addition, as customers spend more time at home because of the pandemic, they are using more utility service and their bills are increasing.¹⁹ This creates additional pressures on consumers already facing financial hardships.

In times like these, the PUCO should use its emergency powers under R.C. 4909.16 to continue the suspension of the PUCO's strict PIPP eligibility rules until after the emergency has ended, particularly when it comes to requiring consumers to be current on their income based payments. But the PUCO's Transition Plan Order permits Columbia to resume imposing PIPP payment requirements on consumers beginning July 29, 2020.²⁰ Consumers who have difficulty meeting PIPP payment guidelines should not be disconnected or terminated from the PIPP program.

Purportedly to reduce “immediate hardship” to PIPP participants, the PUCO's order requires PIPP payments due or billed between March 12, 2020 and July 28, 2020, which have not been paid by July 29, 2020, to be added to the PIPP participant's

¹⁸ See Energy Wire, “A second wave of pain: Looming utility shutoffs” (May 21, 2020), <https://www.eenews.net/energywire/2020/05/21/stories/1063189771>.

¹⁹ See Columbus Dispatch, “Consumers face higher utility bills during coronavirus outbreak” (June 14, 2020) <https://www.dispatch.com/business/20200614/consumers-face-higher-utility-bills-during-coronavirus-outbreak>.

²⁰ Transition Plan Order, at ¶33.

arrears.²¹ But that grace period is largely meaningless for PIPP participants who are not current on their income based payments at an anniversary date (or within a billing cycle after the anniversary date) after July 29, 2020, because they could still be dropped from the PIPP program if payments are considered missed.²² And in order to re-enroll in PIPP, the dropped PIPP participant would have to pay all missed PIPP payments and monthly charges.²³ If dropped PIPP participants are unable to pay missed PIPP payments and monthly charges, they will be ineligible for the PIPP program and will be required to pursue a payment plan with Columbia, which would include the additional fees and charges to consumers the PUCO is allowing Columbia to resume.²⁴ This rigid treatment of PIPP consumers during these unprecedented difficult times is unjust and unreasonable and should be addressed by the PUCO on rehearing.

The coronavirus state of emergency is still in effect. There is neither a cure nor a vaccine. Consumers will continue to struggle with unemployment and lost wages and may have difficulty meeting the payment obligation that allows them to keep from being disconnected or terminated from the PIPP program. Therefore, the PUCO should modify its order allowing Columbia to require consumers to make payments strictly in accordance with PIPP guidelines or be dropped.

²¹ *Id.*

²² See Ohio Admin. Code 4901:1-18-12(D)(2).

²³ Ohio Admin. Code 4901:1-18-12(D)(3).

²⁴ Transition Plan Order, at ¶33.

ASSIGNMENT OF ERROR NO. 4: The PUCO erred by permitting Columbia to resume its in-home weatherization programs beginning July 13, 2020. The PUCO should use its emergency powers under R.C. 4909.16 to require Columbia to suspend in-home weatherization programs until the threat to consumers of the coronavirus has passed.

Given the state's relaxation of social distancing requirements, the PUCO approved Columbia's plan to resume its non-essential, in-home energy efficiency audits and weatherization programs on July 13, 2020.²⁵ The PUCO nonetheless acknowledged that even with enhanced safety precautions through Columbia's use of personal protective equipment, consumers may not want to grant Columbia access to conduct these services.²⁶ Therefore, the PUCO ordered Columbia to offer consumers the opportunity to receive these services at a later date (*e.g.* in three to six months).²⁷

While OCC appreciates the PUCO ordering Columbia to offer consumers an option to defer non-essential, in-home energy audits and weatherization services, the PUCO should act to suspend these services until after the coronavirus emergency has passed. Coronavirus cases are increasing throughout Ohio, *likely because of the state's relaxation of social distancing requirements*. Rather than permitting these non-essential services to continue and unnecessarily risking the spread of the virus, the PUCO should exercise its authority under R.C. 4909.16 to continue suspending them. Doing so would be consistent with the PUCO's March 20, 2020 Entry in Case No. 20-591-AU-UNC directing utilities "to suspend, *for the duration of the emergency*, any non-essential

²⁵ Transition Plan Order, at ¶18.

²⁶ *Id.*

²⁷ *Id.*

functions that would require or cause in-person contact that may create unnecessary COVID-19 spread risks, unless otherwise directed by the Commission.”²⁸

As the PUCO acknowledged, resuming in-home energy efficiency audits and weatherization programs necessarily requires social contact with customers in their homes. And that social contact could create an unnecessary risk of spreading the coronavirus. Thus, there is no legitimate reason (and none is cited in Columbia’s Transition Plan) for Columbia to resume these non-essential activities before the actual emergency is over. The PUCO should modify the Transition Plan Order consistent with OCC’s recommendation.

III. CONCLUSION

As Governor DeWine noted in his address this week, things are changing for the worse. The changed circumstances present a clear and present danger to Ohioans from the coronavirus, and the threat it brings to people’s health and lives. The PUCO should grant this application for rehearing for the health and economic security of *all* of Columbia’s customers, the PUCO should grant rehearing on OCC’s assignments of error and modify or abrogate its Order as described above. Granting rehearing is necessary to immediately protect *all* of Columbia’s consumers.

²⁸ Case No. 20-591-AU-UNC, March 20, 2020 Entry, at ¶10 (emphasis added).

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of this Application for Rehearing by the Office of the Ohio Consumers' Counsel was served on the persons stated below via electric transmission this 17th day of July 2020.

/s/ Angela D. O'Brien
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**AS PREPARED ADDRESS TO THE CITIZENS OF OHIO
OHIO GOVERNOR MIKE DEWINE
OHIO STATEHOUSE CEREMONIAL OFFICE
COLUMBUS, OH
JULY 15, 2020**

Good evening.

I speak to you tonight from the Governor's office in the Ohio State Capitol.

We have now reached THE most critical point in our battle against the corona virus.

If all of us do not take immediate action to slow this virus down, the tragedy that we see playing out on our television screens every day in Florida, Texas, Arizona, and California may well be our reality in just a matter of weeks.

The good news is that this nightmare does not have to be our future.

Some have wondered what new health orders might be issued tonight. That's a discussion for another time.

As your Governor, I will take whatever action is necessary to protect the people of this state. But, the truth is, what your local health department or the Ohio Department of Health, or what I order is not nearly as important as what we all do in these crucial days ahead.

Our future truly lies in our own hands.

Ohioans have faced many challenges throughout time -- wars, floods, tornados -- but really nothing quite like this, since Governor James Cox was our Governor during the Spanish Flu Pandemic of 1918. Governor Cox and I are both from the Miami Valley, but the reason I keep his figure here is to remind me of the resilience and the strength of all the Ohioans who went through that tragedy.

And I know that Governor Cox must have felt, as I do every day, the pain and anguish of each family who lost someone to that virus.

Early this year, we watched as the corona virus erupted in China, then in Europe, then in the United States -- and then in Ohio.

But, in Ohio -- you did what Ohioans always do!

You rallied together!

You did what needed to be done early in this fight.

And you took a collective leap of faith in a battle against an invisible enemy -- the likes of which hadn't been seen in Ohio and this country in more than 100 years.

You made extraordinary sacrifices.

You left school.

You left work.

You stayed home.

You missed loved ones.

You missed milestones.

You missed paychecks.

Because you are Ohioans -- strong, steadfast, selfless -- you also saved lives.

You flattened the curve!

And, with your individual -- and collective -- actions, you bought Ohio time -- precious, finite time for our health care providers to create a statewide hospital system and for doctors and nurses to learn more about this novel illness and how best to respond...

Time for Ohio to procure lifesaving medical equipment, such as ventilators, as well as Personal Protection Equipment (PPE)...

And with no vaccine in sight, time to learn how to better manage this disease so we could carefully and responsibly re-open the state to protect both our lives and our livelihoods.

We sought input from business leaders throughout the state and listened to the scientists and other health experts to develop guiding protocols to open in an incremental, measured way that could protect the safety of employees and customers, alike.

By controlling the spread of the virus early on, we were able to responsibly re-open, and the Ohio economy has started coming back. Ohio's unemployment rate is coming down. While in April, the revised rate was 17.6 percent, in May, the rate dropped to 13.7 percent.¹ And further, for 10 straight weeks, applications for continued unemployment benefits have declined.²

We must keep the virus in check so that we can rebuild consumer confidence and keep this positive economic momentum going.

¹ State Unemployment Rates: Bureau of Labor Statistics: <https://www.bls.gov/news.release/laus.nr0.htm>.

² Ohio Department of Job and Family Services, accessed July 14, 2020, <https://ifs.ohio.gov/ocomm/pdf/Ohio-Initial-Jobless-Claims.pdf>.

So where are we now?

Clearly -- clearly the virus is spreading with a vengeance across many parts of Ohio and lurks, waiting to attack victims in all of our 88 counties.

Tragically, in just four months, we have already lost 3,075 Ohioans to this dreaded disease -- nearly the same number of Ohioans who died in the Vietnam War (3,094).³

Our hospitals are seeing more and more COVID patients. There are 1,027 of our fellow citizens in our hospitals tonight suffering from COVID -- 316 are in intensive care -- 146 are on a ventilator.⁴ And, many of those who have recovered now suffer from long-term -- and in some cases, permanent -- health consequences, such as lung damage, kidney damage, and other significant medical issues.

Ohio is now nearing our April and May peak of just over 1,100 hospital patients, with the Cincinnati and Dayton regions currently seeing more COVID-positive patients in their hospitals than during any previous time during the pandemic and the Cleveland region nearing a similar point⁵

At the beginning of the pandemic, it took Ohio 20 days to reach our first 1,500 total cases. Last week, we saw over 1,500 cases in a single day.⁶ And to think -- just a month ago -- we were at only 400 new cases per day.⁷

Some say that our case numbers are increasing because we are simply doing more testing. Yes -- we are testing more. In fact, our testing has gone up by 87 percent. But, our number of positive cases has skyrocketed by almost 200 percent!⁸

Clearly, our number of new cases is NOT just the result of increased testing!

Let's look again at Ohio and Florida. On June 9th, Florida had 1,200 cases per day -- about the same number of cases that we had in Ohio yesterday.⁹ This past Sunday, just one month later, Florida's case number was at 15,300 new cases in one single day.¹⁰

³<https://www.archives.gov/research/military/vietnam-war/casualty-statistics>.

⁴ Ohio Department of Health, www.coronavirus.ohio.gov.

⁵ Ohio Department of Health, www.coronavirus.ohio.gov.

⁶ Ohio Department of Health, www.coronavirus.ohio.gov.

⁷ Ohio Department of Health, www.coronavirus.ohio.gov.

⁸ Ohio Department of Health, www.coronavirus.ohio.gov.

⁹ State-level Data by Report Date, as compiled by the COVID Tracking Project, <https://covidtracking.com/data/download>.

¹⁰ "Two Days of Record Counts: Florida Adds 12,624 COVID Cases Monday, One Day after U.S.-shattering Record 15,300," by David Fleshler, *South Florida Sun Sentinel*, July 13, 2020.

Similarly, a month ago, Florida averaged 8.3 new cases per 100,000 residents per day, a little bit under what we have in Ohio currently. As of yesterday, Florida's new cases have increased six-fold per day (51.8 cases per 100,000 residents per day).¹¹

A month ago, Arizona was also at 1,200 new cases per day.¹² As of Sunday, Arizona was at 3,400 new cases per day. Further, Arizona averaged almost 18 new cases per 100,000 residents per day last month. That has since increased 2.5 times as of yesterday (45.1 cases per 100,000 residents per day).¹³

And, if we do not change course...Florida and Arizona will be our future.

I have always found history to be a teacher. And so early in the pandemic, I read a book by John Berry called *The Great Influenza*. It's about the catastrophic Spanish Flu of 1918. He wrote an article yesterday that puts our current reality into sobering perspective:¹⁴

“This is our second chance. We won't get a third. If we don't get the growth of this pandemic under control now, in a few months, when the weather turns cold and forces people to spend more time indoors, we could face a disaster that dwarfs the situation today.”

Ohio is sliding -- sliding down a very dangerous path, with our once flattened-curve starting to sharpen and spike.

This worrisome, disturbing reversal of our progress is a jarring reminder of just how quickly our fate can change.

A matter of weeks can change our trajectory.

Weeks can alter our future.

Weeks can change our lives.

Weeks can be the difference between who lives and who dies in Ohio.

We must act -- and we must act now!

This is not a drill.

This is not a hoax.

¹¹ State-level Data by Report Date, as compiled by the COVID Tracking Project, <https://covidtracking.comdata.download>.

¹² <https://coronavirus.jhu.edu/data/state-timeline/new-confirmed-cases/arizona>.

¹³ State-level Data by Report Date, as compiled by the COVID Tracking Project, <https://covidtracking.comdata.download>.

¹⁴ <https://www.nytimes.com/2020/07/14/opinion/coronavirus-shutdown.html>.

This is not a dress rehearsal.

It's the real thing.

The enemy is here -- and Ohioans have simply come too far in this fight to cede ground now.

My fellow Ohioans, you have changed history with this virus before -- and you can do it again -- but our window of opportunity may soon be closing.

As we have seen in Florida, California, Arizona, and Texas, once things start moving, they move very quickly -- and it is so very hard then to turn things back around.

My fellow Ohioans -- you -- all of us together -- have the power to change our future.

This is a defining time -- THE defining time -- for each one of us. And there has been no greater call in recent times for Ohioans than for us to call upon our "better angels," as President Abraham Lincoln said, and do what is right to protect each other.

Ohioans have always been a people, who have been willing to sacrifice today for a better tomorrow.

I am asking each of you tonight to take action now -- to sacrifice now -- so our kids can be in school this fall...

So, they can at least have a chance to play sports...

So, our businesses can remain open...

So that Ohioans can continue earning a living and a paycheck and support their families...

What am I asking you to do?

Let's start with masks. I am asking each one of you, wherever you live in Ohio -- whatever the alert color of your county -- to wear a mask when you go out in public.

Some may still question the wisdom of wearing masks, but as we used to say when I was a prosecuting attorney, "The jury is back. The verdict is in."

There is a broad consensus today in the medical, health, and business communities that masks are critical.

Yesterday, Dr. Robert Redfield, Director of the Centers for Disease Control and Prevention, said,

“If all of us would put on a face covering now for the next four weeks, six weeks, we could drive this epidemic to the ground.”¹⁵

Wearing masks is also our best way to protect Ohio jobs.

A recent Goldman Sachs report shows that wearing face masks can be viewed as an alternative to lockdowns. They found, that in most cases, within a couple of weeks of people consistently wearing facemasks, there was a slowdown in the spread of the virus. Further, the study suggests that to curb the spread of the virus as successfully as wearing face masks does, we would have to consider a lockdown that essentially would subtract five percent of the country’s Gross Domestic Product.¹⁶

But masks are not enough.

Let’s be honest, all of us have started to let our guard down. I know sometimes I have. We’re tired. We want to go back to the way things were – and that’s very understandable.

But when we do, we are playing Russian Roulette with our lives.

Good decisions will protect the economy and save lives. Reckless ones will hurt and kill.

These are tough questions, but ask yourselves: Will that family reunion be worth it if your grandmother later tests positive for COVID and dies?

Will that neighborhood cookout be worth it if your neighbor ends up alone, on a ventilator, in intensive care?

Will that play date be worth it, if the kids can’t go back to school in the fall?

We’re all tired of being cooped up. I know your kids want to be with their friends. And, Fran and I know our grandchildren certainly do.

But, what’s better? Knowing you did all you could to keep your family and neighbors safe and our economy open -- or taking risks that lead to illness, death, and another economic shutdown?

Don’t we all want to be around to meet our future children and grandchildren not yet born? To attend their Baptisms? To watch our kids and grandkids graduate from school? To attend their future weddings?

¹⁵ <https://www.usatoday.com/story/news/health/2020/07/15/covid-19-california-testing-moderna-vaccine-best-buy-requires-masks/5436928002/>.

¹⁶ Face Masks and GDP: Goldman Sachs, <https://www.goldmansachs.com/insights/pages/face-masks-and-gdp.html>.

This virus will end. It will end! And we all want to be around when it does, so we can enjoy life, enjoy our families, and enjoy our friends.

None of us can do this, alone. In words often attributed to Ronald Reagan, “We can’t help everyone, but everyone can help someone.”¹⁷

These are once-in-a-hundred-years sacrifices -- short-term inconveniences, for long-term freedoms.

In his January 1941 State of the Union Address to Congress, President Franklin Roosevelt began to make his case to end the isolation policies that emerged following World War I. He spoke of America’s need to sacrifice in times of crisis -- and the unity that comes with a nation’s collective actions. Here is what said:

“No one can tell the exact character of the emergency situations that we may be called upon to meet. The nation's hands must not be tied when the nation's life is in danger. [All of us] must prepare to make the sacrifices that the emergency -- almost as serious as war, itself -- demands. . . . Our strength is our unity of purpose...[and] to that high concept, there can be no end save victory.”¹⁸

Our state’s life is now in danger -- and our own strength lies in our unity of purpose.

Early in this pandemic, Ohioans came together. You showed extraordinary kindness, care, compassion your families, friends, neighbors, and strangers, alike.

You rose to the occasion.

You answered the call.

I am calling on all Ohioans to once again unite.

This virus is real.

It is killing our family members, our friends, our co-workers.

We must take the long-view in our response to it and remember that Ohioans have always been a strong, determined, resilient people, who, time and time again, have overcome adversity and beat the odds.

From the Native Americans, who created intricate and massive earthworks...

To the pioneers, who navigated their way along the Ohio River and constructed the National Road...

¹⁷https://en.wikiquote.org/wiki/Ronald_Reagan.

¹⁸ <https://www.americanrhetoric.com/speeches/PDFFiles/FDR%20-%20Four%20Freedoms.pdf>.

To the abolitionists and African Americans, who worked together to create an underground railroad leading those in slavery to freedom...

To the immigrants, who built our cities...

To the African Americans and those from Appalachia, who migrated to Ohio to work, raise a family, and start a better life...

At the start of this pandemic, Ohioans set the example for the rest of our country. Though this has been a trying time for all Ohioans, you showed the world what was possible when people work together!

You showed the world our Ohio grit!

I remain an optimist and truly believe that we will rise out of the great tragedy of this virus and all it has laid bare. Positive things will come out of our struggle -- American and Ohio ingenuity, innovation, and creativity; deeper relationships with family and friends; and a stronger, renewed sense of community and our obligations to one other.

Out of this struggle, we will learn.

And, we will emerge stronger, better, and more resilient.

As the Bible tells us in Galatians, "Let us not grow weary of doing good, for in due season, we will reap -- if we do not give up."

Ohioans never give up.

And Ohioans will not grow weary of doing good and helping to protect each other.

We are Buckeyes.

We are strong.

And we will not relent, as we forge a path forward -- united -- in building Ohio's future.

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Case No(s). 20-0637-GA-UNC

Summary: App for Rehearing Application for Rehearing of the PUCO's Order on the Emergency Transition Plan of Columbia Gas by the Office of the Ohio Consumers' Counsel electronically filed by Ms. Deb J. Bingham on behalf of O'Brien, Angela Ms.