

# 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 September 9, 2020

### I. SUMMARY

{¶ 1} In this Entry, the Commission modifies the provisions of the March 12, 2020 Entry and the March 16, 2020 Entry filed in this proceeding in order to allow the in-person filing of documents scheduled by appointment with the docketing division between 8:00 a.m. and 5:00 p.m. each business day. Further, the Commission authorizes the resumption of electronic filing of documents containing confidential information.

### II. DISCUSSION

{¶ 2} Pursuant to R.C. 4901.10, the office of the Commission shall be at the seat of government in Columbus, Ohio, in suitable quarters provided by the state.

{¶ 3} 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/).

{¶ 4} 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.”).

{¶ 5} On March 12, 2020, the Commission opened this proceeding and directed, among other things, that paper and facsimile filing of documents with the Commission’s docketing division be suspended until further notice. On March 16, 2020, the attorney examiner modified that directive. The March 16, 2020 Entry reiterated that in-person filing of documents with the Commission’s docketing division remains suspended during the declared emergency; encouraged all participants to file documents electronically; and reinstated the ability to file documents by facsimile. The Entry cautioned, however, that any document for which a filer seeks confidential treatment must be mailed to the Commission. March 16, 2020 Entry at ¶ 5(c).

{¶ 6} On April 30, 2020, the Director of the Ohio Department of Health issued an Order to reopen certain businesses, subject to social distancing and other workplace safety requirements and sector specific provisions, including provisions for the consumer, retail, and services sector.

{¶ 7} Consistent with the Executive Order, the Commission finds that, at this time, the filing directives in the March 12, 2020 Entry and the March 16, 2020 Entry should be modified. Specifically, although in-person filing of documents with the Commission’s docketing division generally will continue to be suspended during the declared emergency, the docketing division will be available to accept in-person filings arranged by appointment.

The docketing division will be available from 8:00 a.m. to 5:00 p.m. for such appointments. Parties are encouraged to continue to electronically file documents in the docketing information system or to file documents by mail or, as appropriate, via facsimile; but in-person filings by appointment will be accepted for large documents, confidential information, or other appropriate filings, such as applications for rehearing. Appropriate safety measures, such as masks and social distancing, will be strictly required. Parties who wish to arrange an appointment for in-person filing should call the docketing division at 614-466-4095.

{¶ 8} Moreover, parties are reminded that, under Ohio Adm.Code 4901-1-02(D)(6), parties making electronic filings are encouraged to make their filings by no later than 4:00 p.m. in order to allow time for same-day review and acceptance of electronic filings. Parties who attempt electronic filings after 4:00 p.m. should not rely upon the availability of by-appointment, in-person filings in the event of technical difficulties. Moreover, all filers should be aware that the acceptance of documents for filing by any method may be delayed during this time.

{¶ 9} In addition, by Entry dated April 8, 2020, the Commission directed that certain provisions of Ohio Adm.Code 4901-1-02 and Ohio Adm.Code 4901-1-24 be waived in order to permit the electronic filing of documents for which protective or confidential treatment is requested. In the Entry, the Commission set forth procedures and processes for the electronic filing of confidential documents, in Case No. 20-2000-XX-XXX, for the duration of the emergency or until otherwise ordered by the Commission. The Commission also noted that it will continue to accept the filing of confidential documents by mail.

{¶ 10} Due to technical issues, the electronic filing of confidential documents was suspended on May 5, 2020. As these technical issues have been resolved, the Commission finds that the electronic filing of confidential documents may resume, in accordance with the requirements set forth in the Entry issued on April 8, 2020, in this proceeding.

**III. ORDER**

{¶ 11} It is, therefore,

{¶ 12} ORDERED, That the procedural directives set forth in Paragraph 7 be adopted.  
It is, further,

{¶ 13} ORDERED, That the electronic filing of documents containing confidential information may be resumed. It is, further,

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

COMMISSIONERS:

*Approving:*

Sam Randazzo, Chairman

M. Beth Trombold

Lawrence K. Friedeman

Daniel R. Conway

Dennis P. Deters

GAP/hac

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

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

Summary: Entry modifying the provisions of the March 12, 2020 Entry and the March 16, 2020 Entry filed in this proceeding in order to allow the in-person filing of documents scheduled by appointment with the docketing division between 8:00 a.m. and 5:00 p.m. each business day. Further, the Commission authorizes the resumption of electronic filing of documents containing confidential information electronically filed by Heather A Chilcote on behalf of Public Utilities Commission of Ohio