

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE APPLICATION OF
THE DAYTON POWER AND LIGHT
COMPANY FOR APPROVAL OF CERTAIN
ACCOUNTING AUTHORITY.

CASE NO. 20-650-EL-AAM

IN THE MATTER OF THE APPLICATION OF
THE DAYTON POWER AND LIGHT
COMPANY FOR APPROVAL OF ITS
TEMPORARY PLAN FOR ADDRESSING THE
COVID-19 STATE OF EMERGENCY.

CASE NO. 20-651-EL-UNC

IN THE MATTER OF THE APPLICATION OF
THE DAYTON POWER AND LIGHT
COMPANY FOR WAIVER OF TARIFFS AND
RULES RELATED TO THE COVID-19
STATE OF EMERGENCY.

CASE NO. 20-652-EL-WVR

IN THE MATTER OF THE APPLICATION OF
THE DAYTON POWER AND LIGHT
COMPANY FOR APPROVAL OF REVISED
CONTRACT WITH CERTAIN CUSTOMERS
AND REASONABLE ARRANGEMENT
RELATED TO THE COVID-19 STATE OF
EMERGENCY.

CASE NO. 20-755-EL-AEC

ENTRY ON REHEARING

Entered in the Journal on October 7, 2020

I. SUMMARY

{¶ 1} The Commission denies the application for rehearing filed by The Dayton Power and Light Company on September 11, 2020.

II. DISCUSSION

A. *Procedural History*

{¶ 2} The Dayton Power and Light Company (DP&L or the Company) is an electric light company as defined by R.C. 4905.03 and a public utility as defined by R.C. 4905.02, and, as such, is subject to the jurisdiction of this Commission.

{¶ 3} R.C. 4909.16 provides, in part, that, in the event of an emergency, when the Commission finds it necessary to prevent injury to the business or interests of the public or of any public utility, it may temporarily alter, amend, or suspend any existing rates or schedules.

{¶ 4} R.C. 4905.13 authorizes the Commission to establish systems of accounts to be kept by public utilities and to prescribe the manner in which these accounts will be kept. Pursuant to Ohio Adm.Code 4901:1-9-05, the Commission adopted the Uniform System of Accounts (USOA), which was established by the Federal Energy Regulatory Commission (FERC), for electric utilities in Ohio, except to the extent that the provisions of the USOA are inconsistent with any outstanding accounting orders of the Commission. Additionally, the Commission may require the creation and maintenance of such additional accounts as may be prescribed to cover the accounting procedures of electric utilities.

{¶ 5} 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/.

{¶ 6} 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.”

{¶ 7} On March 12, 2020, the Commission opened Case No. 20-591-AU-UNC and directed all utility companies in this state to review their disconnection procedures in light of the state of emergency. *In re 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 (*Emergency Case*), Entry (Mar. 12, 2020) at ¶ 7. On March 13, 2020, the Commission extended its winter reconnection order through May 1, 2020, and directed all utility companies in this state to review their reconnection procedures. *Emergency Case*, Entry (Mar. 13, 2020) at ¶ 6. In the March 12, 2020, and March 13, 2020 Entries, the Commission also directed all utility companies to promptly seek any necessary approval, for the duration of the emergency, to suspend otherwise applicable disconnection or reconnection requirements that may impose a service continuity or service restoration hardship on residential and non-residential customers or create unnecessary COVID-19 risks associated with social contact. The Commission determined that such filings shall be deemed approved on an emergency basis for a period of at least 30 days effective as of the filing date or until such date as the Commission may otherwise specify, which shall not be less than 30 days.

{¶ 8} On March 20, 2020, in the *Emergency Case*, the Commission directed all utility companies to suspend in-person, actual meter readings in circumstances where a meter is located inside a customer's home or similar location, as well as all other non-essential functions that may create unnecessary COVID-19 risks associated with social contact. The Commission also clarified that requests for accounting authority or incremental cost recovery related to the emergency will be addressed in each utility's individual case by subsequent entry. *Emergency Case*, Entry (Mar. 20, 2020) at ¶¶ 10-11, 13.

{¶ 9} On March 23, 2020, in the first three of the above-captioned cases, DP&L filed an application for approval of its temporary plan for addressing the COVID-19 state of emergency.

{¶ 10} On April 8, 2020, in the *Emergency Case*, the Commission, among other things, extended the 30-day automatic approval period for filings to suspend otherwise applicable disconnection requirements for an additional 30 days, unless otherwise ordered by the Commission. *Emergency Case*, Finding and Order (Apr. 8, 2020) at ¶ 9.

{¶ 11} On April 15, 2020, DP&L filed a supplemental application for approval of its temporary plan for addressing the COVID-19 state of emergency and initiated Case No. 20-755-EL-AEC, which sought a reasonable arrangement.

{¶ 12} On April 22, 2020, Staff filed its review and recommendations in response to DP&L's request for approval of its emergency plan, as supplemented.

{¶ 13} Ohio Consumers' Counsel (OCC), Ohio Partners for Affordable Energy (OPAE), Ohio Energy Group, Interstate Gas Supply, Inc., Ohio Environmental Council, Kroger Co., and Ohio Manufacturers' Association Energy Group were granted intervention in this matter, and each entity timely filed comments on May 4, 2020.

{¶ 14} By Finding and Order issued May 20, 2020, the Commission approved DP&L's supplemented application, subject to Staff's recommendations and modifications, and consistent with the Finding and Order. Among other things, the Commission directed DP&L to work with Staff to develop a plan for the resumption of service disconnections and other activities, including timelines and provisions for extended payment plans for both residential and non-residential customers impacted by the emergency. The Commission directed that interested parties may file comments regarding the plan within ten days after its filing. May 20, 2020 Finding and Order at ¶ 25, 50.

{¶ 15} On July 15, 2020, DP&L filed an updated transition plan for resuming disconnections and other activities (transition plan).

{¶ 16} By Supplemental Finding and Order issued August 12, 2020, the Commission approved DP&L's transition plan.

{¶ 17} On September 11, 2020, DP&L filed an application for rehearing of the Supplemental Finding and Order dated August 12, 2020.

{¶ 18} On September 21, 2020, OCC filed a memorandum contra DP&L's application for rehearing.

B. Consideration of the Application for Rehearing

{¶ 19} DP&L seeks clarification concerning whether it is authorized to waive and defer credit card fees for all electronic payments received through November 2021. In the Supplemental Finding and Order, the Commission approved DP&L's transition plan, which proposed the waiver of credit card fees for customers who make electronic payments while enrolled in a 12-month pay agreement plan. August 12, 2020 Finding and Order at ¶ 20, 24. DP&L asserts that the Commission erred in its interpretation of the transition plan, and that the company should be permitted to waive and defer credit card fees for all payments received through the period ending November 30, 2021.

{¶ 20} OCC opposes expanding the waiver and deferral of credit card fees beyond where they relate to customers who pay pursuant to an approved 12-month pay agreement. OCC maintains that the waiver and deferral of these fees should be limited to those customers who demonstrate a greater degree of financial hardship as evidenced by their enrollment in the 12-month pay agreement. According to OCC, broader application of the waiver and deferral mechanism is unnecessary and creates potential greater hardship for customers at the end of the deferral period, or the potential for later collection from customers who did not participate in the credit card payment option.

{¶ 21} We reject DP&L's request to waive and defer credit card fees beyond the class of customers who participate in approved 12-month pay agreements. Initially, we note that DP&L's transition plan described the company's intention to waive credit card fees through

the terms of its 12-month payment plans through November 2021, which was the basis for our limited approval of the company's waiver and deferral proposal. Moreover, we find that eligibility for participation in the waiver and deferral payment option should be limited to those customers who are most in need of the exception to the regular treatment of credit card fees. We find that exceptions to the presumption that credit card fees are the responsibility of the customers who elect that payment option should be limited in order to ensure that customers do not unwittingly accrue future credit card fees, and to better ensure that fees are paid by the customers that use this payment option.

III. ORDER

{¶ 22} It is, therefore,

{¶ 23} ORDERED, That the application for rehearing filed by DP&L be denied. It is, further,

{¶ 24} ORDERED, That a copy of this Entry on Rehearing be served upon all interested persons and parties of record.

COMMISSIONERS:

Approving:

Sam Randazzo, Chairman

M. Beth Trombold

Lawrence K. Friedeman

Daniel R. Conway

Dennis P. Deters

MLW/hac

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Case No(s). 20-0650-EL-AAM, 20-0651-EL-UNC, 20-0652-EL-WVR, 20-0755-EL-AEC

Summary: Entry denying the application for rehearing filed by The Dayton Power and Light Company on September 11, 2020 electronically filed by Heather A Chilcote on behalf of Public Utilities Commission of Ohio