

# THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE APPLICATION OF  
OHIO EDISON, THE CLEVELAND  
ELECTRIC ILLUMINATING COMPANY,  
AND THE TOLEDO EDISON COMPANY TO  
SAFELY RESUME ACTIVITIES TO PRE-  
COVID-19 LEVELS AND REQUESTS FOR  
WAIVERS

CASE NO. 20-1345-EL-WVR

## ENTRY ON REHEARING

Entered in the Journal on November 18, 2020

### I. SUMMARY

{¶ 1} In this Entry on Rehearing, the Commission denies the application for rehearing filed by Ohio Consumers' Counsel and Ohio Poverty Law Center.

### II. DISCUSSION

{¶ 2} Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company (collectively, FirstEnergy or the Companies) are electric light companies as defined by R.C. 4905.03 and public utilities 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/](https://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 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.

{¶ 10} On July 31, 2020, FirstEnergy filed this request for approval of its transition plan for resuming disconnections and other activities (transition plan).

{¶ 11} On September 23, 2020, the Commission approved the transition plan submitted by the Companies.

{¶ 12} Section 4903.10, Revised Code, states that any party to a Commission proceeding may apply for rehearing with respect to any matters determined by the Commission within 30 days of the entry of the order upon the Commission's journal.

{¶ 13} On October 19, 2020, an application for rehearing was submitted by Ohio Consumers' Counsel and Ohio Poverty Law Center (OCC/OPLC), alleging three assignments of error.

{¶ 14} On October 29, 2020, the Companies filed a memorandum contra the application for rehearing.

{¶ 15} In their first assignment of error, OCC/OPLC claim that the Commission erred by failing to take a consistent approach across the state regarding the pandemic and the related financial crisis affecting Ohioans. OCC/OPLC contend that the Commission should establish uniform guidelines applicable to all utilities throughout the pandemic and a reasonable time thereafter.

{¶ 16} In their memorandum contra, the Companies note that OCC/OPLC raised this same request in comments filed regarding the transition plan. The Companies contend that the Commission specifically considered the request and fully explained its reason for not adopting the proposal. Finding and Order (Sep. 23, 2020) at ¶¶ 35-36.

{¶ 17} The Commission thoroughly addressed OCC/OPLC's arguments in the September 23, 2020 Finding and Order. Finding and Order (Sep. 23, 2020) at ¶¶ 35-36. OCC/OPLC have raised no new arguments in support of this assignment of error. Accordingly, rehearing on this assignment of error should be denied.

{¶ 18} OCC/OPLC allege, in their second assignment of error that the Commission erred by failing to continue the suspension of disconnections for a reasonable time after the pandemic emergency has ended. Likewise, in their third assignment of error, OCC/OPLC allege that the Commission erred by failing to require FirstEnergy to continue waiving deposits, late payment fees, and reconnection fees, and requiring payment plan down payments for consumers until the pandemic emergency is over and for a reasonable time thereafter.

{¶ 19} FirstEnergy responds that, with respect to both the second and third assignments of error, OCC/OPLC raised each proposal in comments filed regarding the transition plan and that the Commission considered the proposals and declined to adopt them. The Companies aver that OCC/OPLC have failed to demonstrate that the Commission's decision was unreasonable or unlawful and that OCC/OPLC have offered no basis for rehearing.

{¶ 20} The Commission finds that rehearing on these two assignments of error should be denied. The Commission fully addressed OCC/OLPC's arguments in the September 23, 2020 Finding and Order. Finding and Order (Sep. 23, 2020) at ¶¶ 23, 25-26. OCC/OPLC have raised no new arguments in support of these assignments of error. Accordingly, rehearing on these assignments of error should be denied. The Commission also notes that we have previously denied rehearing on applications for rehearing presenting similar, or identical, assignments of error. *See, e.g., In re Columbia Gas of Ohio, Inc.*, Case No. 20-637-GA-UNC, Entry on Rehearing (Jul. 20, 2020) at ¶¶ 25, 28, 29, 35; *In re The East Ohio Gas Co. d/b/a Dominion Energy Ohio*, Case No. 20-600-GA-UNC, Entry on Rehearing (Jul. 29, 2020) at ¶¶ 23, 28-29.

### III. ORDER

{¶ 21} It is, therefore,

{¶ 22} ORDERED, That the application for rehearing filed by OCC/OPLC be denied. It is, further,

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

COMMISSIONERS:

*Approving:*

M. Beth Trombold  
Lawrence K. Friedeman  
Daniel R. Conway  
Dennis P. Deters

GAP/hac

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**Case No(s). 20-1345-EL-WVR**

Summary: Entry denying the application for rehearing filed by Ohio Consumers' Counsel and Ohio Poverty Law Center electronically filed by Heather A Chilcote on behalf of Public Utilities Commission of Ohio