

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE APPLICATION
OF THE OHIO DEVELOPMENT SERVICES
AGENCY FOR AN ORDER APPROVING
ADJUSTMENTS TO THE UNIVERSAL
SERVICE FUND RIDER OF JURISDICTIONAL
OHIO ELECTRIC DISTRIBUTION UTILITIES.

CASE NO. 20-1103-EL-USF

ENTRY

Entered in the Journal on November 30, 2020

{¶ 1} 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 (DOH) to prevent or alleviate the public health threat associated with COVID-19. Additionally, all citizens are urged to heed the advice of the DOH 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 DOH is making COVID-19 information, including information on preventative measures, available via the internet at coronavirus.ohio.gov/.

{¶ 2} On May 29, 2020, consistent with the Joint Stipulation and Recommendation approved by the Commission in Case No. 19-1270-EL-USF, the 2019 Universal Service Fund (USF) case, the Ohio Development Services Agency (ODSA), in accordance with R.C. 4928.52, filed a notice of intent (NOI) to file an application to adjust the USF riders of all Ohio jurisdictional electric distribution utilities, namely, Cleveland Electric Illuminating Company (CEI), Dayton Power and Light Company (DP&L), Duke Energy Ohio Inc. (Duke), Ohio Edison Company (OE), Ohio Power Company (AEP Ohio), and Toledo Edison Company (TE) (collectively, EDUs). *In re ODSA*, Case No. 19-1270-EL-USF (2019 USF Case), Opinion and Order (Dec. 18, 2019) at 16. The function of the NOI phase is to provide interested stakeholders with an opportunity to raise and pursue objections to the

methodology ODSA intends to use to develop the USF rider revenue requirement and rate design.

{¶ 3} Each of the above-named entities, CEI, DP&L, Duke, OE, AEP Ohio, and TE, is an electric distribution utility, as defined in R.C. 4298.01(A)(6), and a public utility, as defined in R.C. 4905.02, and, as such, is subject to the jurisdiction of this Commission.

{¶ 4} By Entry issued June 8, 2020, the above noted EDUs were joined as indispensable parties to this proceeding. The June 8, 2020 Entry also established a procedural schedule for the NOI phase of this case.

{¶ 5} On July 28, 2020, a Joint Stipulation and Recommendation (Stipulation), executed by ODSA, DP&L, IEU, AEP Ohio, Ohio Partners for Affordable Energy, and Duke, as signatory parties, and by The Kroger Company and the FirstEnergy EDUs, as non-opposing parties, was filed. Further, as indicated in the Stipulation, Staff neither supports nor opposes the Stipulation.

{¶ 6} On September 9, 2020, the Commission approved the unopposed Stipulation resolving the USF rider revenue requirement methodology and the USF rider rate design methodology for the 2021 USF collection period.

{¶ 7} On October 30, 2020, ODSA filed its USF application and supporting testimony to adjust the USF riders of all Ohio jurisdictional electric utilities, in accordance with R.C. 4928.52, for the 2021 USF collection period.

{¶ 8} By Entry issued November 5, 2020, a procedural schedule for the adjustment phase of this case was established such that the prehearing conference was scheduled for November 19, 2020 and the hearing scheduled for December 1, 2020. Due to the continued COVID-19 state of emergency declared by the governor in Executive Order 2020-01D, and the passage of Am. Sub. H.B. 197, the prehearing conference and hearing was scheduled to be held using remote access technology known as Webex.

{¶ 9} On November 5, 2020, Ohio Energy Group filed a motion to intervene.

{¶ 10} The prehearing conference was held, as scheduled on November 19, 2020.

{¶ 11} On November 19, 2020, ODSA filed an amended application and the supplemental testimony of Megan Meadows.

{¶ 12} On November 24, 2020, a Joint Stipulation and Recommendation was filed to resolve the issues raised in the adjustment phase of this proceeding. On that same day, ODSA filed the testimony of Megan Meadows in support of the Stipulation.

{¶ 13} On November 30, 2020, ODSA and all the other parties to the proceeding (Movants) filed a joint motion for a modified procedural schedule and a request for an expedited ruling. Movants requests that in compliance with the Executive Order, in consideration of the passage of Am. Sub. H.B. 197 and the unopposed Stipulation, that the hearing in the adjustment phase of this case be processed via a paper hearing as opposed to a hearing via Webex. Further, Movants propose that the following documents be admitted into the record and serve as the basis of the Commission's order: (1) the Stipulation; (2) Ms. Meadows testimony in support of the Stipulation; (3) the Application filed October 30, 2020; (4) Ms. Meadow's testimony filed October 30, 2020; (5) the amended application filed November 19, 2020; (6) Ms. Meadows supplemental testimony filed November 19, 2020. Movants specifically agree to waive cross-examination of ODSA witness Meadows, waive objections to the admissibility of Ms. Meadows' testimony and the Stipulation, as well as waive written and oral motions to strike the application, amended application, testimony and the Stipulation. Movants believe their proposal provides due process for all parties during the state of emergency and allows this phase of the USF case to proceed without the need for an in-person hearing. Further, this motion, according to the Movants, facilitates the issuance of a decision by the Commission to allow new USF rider rates to become effective January 1, 2021.

{¶ 14} Upon review, the attorney examiner finds that the modified procedural process set forth by the Movants is reasonable. The modified procedural process presented, allows the Commission to fully consider the merits of the adjustment application, the Stipulation, and the parties' respective positions as to both, while honoring due process concerns. Considering that the parties have agreed to the admission of the application, amended application, the Stipulation and the various testimony of Ms. Meadows, the attorney examiner finds it is not necessary to conduct a hearing via remote access technology for the purpose of admitting evidence into the record. Accordingly, the attorney examiner finds that Movants' motion to modify the procedural process is reasonable and the motion and the waivers agreed to by the Movants, granted.

{¶ 15} It is, therefore,

{¶ 16} ORDERED, That Movants' motion to modify the procedural process and waivers be granted, consistent with Paragraph 14. It is, further,

{¶ 17} ORDERED, That a copy of this Entry be served on all parties of record in this case.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/Greta See

By: Greta See
Attorney Examiner

JRJ/hac

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in

Case No(s). 20-1103-EL-USF

Summary: Attorney Examiner Entry ordering that Movants' motion to modify the procedural process and waivers be granted, consistent with Paragraph 14 electronically filed by Heather A Chilcote on behalf of Greta See, Attorney Examiner, Public Utilities Commission