

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE PROPER
PROCEDURES AND PROCESS FOR THE
COMMISSION'S OPERATION AND
PROCEEDINGS DURING THE DECLARED
STATE OF EMERGENCY AND RELATED
MATTERS.

CASE NO. 20-591-AU-UNC

ENTRY

Entered in the Journal on July 28, 2021

I. SUMMARY

{¶ 1} With the termination of the COVID-19 state of emergency in Ohio, the Commission lifts the emergency directives issued in this docket. However, the electronic filing of confidential documents may continue in accordance with the requirements set forth in the April 8, 2020 Entry, until otherwise ordered by the Commission.

II. DISCUSSION

{¶ 2} Pursuant to R.C. 4905.02 and 4905.03, telephone companies, electric light companies (except regional transmission organizations), heating or cooling companies, natural gas companies, pipeline companies, and water-works and sewage disposal system companies (collectively, utility companies) are public utilities and, as such, are subject to the jurisdiction of the Commission. In accordance with R.C. 4928.16 and R.C. 4929.24, providers of competitive retail electric service (CRES) and competitive retail natural gas service (CRNGS) in this state are also subject to the Commission's jurisdiction.

{¶ 3} Pursuant to R.C. 4905.04, the Commission is vested with the power and jurisdiction to regulate railroads and to promulgate and enforce all orders relating to the protection, welfare, and safety of railroad employees and the traveling public. Further, R.C. 4907.02 states that all duties required of a railroad are required and imposed upon water transportation companies and that the Commission has the power of supervision and control of water transportation companies to the same extent as the railroads.

{¶ 4} 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.

{¶ 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 were 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 were 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 was intended to 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 this proceeding and directed all utility companies under its jurisdiction to review their service disconnection policies, practices, and tariff provisions and to promptly seek any necessary approval to suspend otherwise applicable requirements that may impose a service continuity hardship on residential and non-residential customers or create unnecessary COVID-19 risks associated with social contact. Similarly, on March 13, 2020, the Commission directed all utility

companies to review their reconnection procedures, while also extending its winter reconnection order through May 1, 2020. By Entry issued on March 20, 2020, 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. Such activities were suspended for the duration of the emergency, unless otherwise ordered by the Commission.

{¶ 8} Through subsequent orders and entries in this docket, the Commission issued additional emergency directives intended to avoid unnecessary COVID-19 risks associated with social contact. Most recently, on March 24, 2021, the Commission extended until June 30, 2021, certain waivers for registered water transportation companies that are reasonably necessary to enable or accommodate responsible actions to adopt and implement protocols to mitigate COVID-19 risks or respond to recommendations or directives from state or local public health authorities.

{¶ 9} Additionally, 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 would 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. By Entry dated September 9, 2020, the Commission noted that the technical issues had been resolved and, therefore, directed that the electronic filing of confidential documents be permitted to resume, in accordance with the requirements set forth in the April 8, 2020 Entry.

{¶ 11} On June 18, 2021, the governor signed Executive Order 2021-08D, which took effect immediately and declared that, based upon the current circumstances surrounding the response to COVID-19, the state of emergency is no longer required.

{¶ 12} Given that the declared state of emergency has ended, the Commission finds that the emergency directives issued in this docket, to the extent that they have not already expired, should be lifted at this time. The utility companies, CRES or CRNGS providers, railroads, water transportation companies, or any other entities regulated by the Commission should continue to conform to any and all applicable requirements and best practices issued by the Ohio Department of Health, as well as any guidance or orders from any local public health authorities, that remain in effect. The Commission directs, however, that the electronic filing of confidential documents may continue in accordance with the requirements set forth in the April 8, 2020 Entry, until otherwise ordered by the Commission.

{¶ 13} We also note that several utility companies have filed applications in other case dockets concerning their efforts to resume functions that were determined to be in conflict with the Executive Order and the March 12, 2020 Order of the Director of the Ohio Department of Health. For example, on June 9, 2021, Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company filed an application in Case Nos. 20-1344-EL-UNC and 20-1345-EL-WVR to resume indoor meter reading. As the COVID-19 health orders have been lifted, all utility companies that have not already been expressly authorized to do so are permitted to proceed with resuming such activities, consistent with this Entry.

III. ORDER

{¶ 14} It is, therefore,

{¶ 15} ORDERED, That the Commission's emergency directives be lifted in accordance with this Entry. It is, further,

{¶ 16} ORDERED, That the electronic filing of documents containing confidential information may continue until otherwise ordered by the Commission. It is, further,

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

{¶ 18} ORDERED, That a copy of this Entry be served upon all interested persons of record.

COMMISSIONERS:

Approving:

Jenifer French, Chair
M. Beth Trombold
Lawrence K. Friedeman
Daniel R. Conway
Dennis P. Deters

SJP/mef

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

Summary: Entry that with the termination of the COVID-19 state of emergency in Ohio, the Commission lifts the emergency directives issued in this docket. However, the electronic filing of confidential documents may continue in accordance with the requirements set forth in the April 8, 2020 Entry, until otherwise ordered by the Commission. electronically filed by Kelli C. King on behalf of The Public Utilities Commission of Ohio