

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio)
Power Company to Revise Reliability) Case No. 20-1111-EL-ESS
Performance Standards Pursuant to)
O.A.C. 4901:1-10-10(B)(7).)

**MOTION FOR THE PUCO TO ORDER AN INVESTIGATION OF THE AEP-
OHIO SERVICE OUTAGES THAT AFFECTED THOUSANDS OF
CONSUMERS, THEIR FAMILIES, AND BUSINESSES DURING THE WEEK OF
JUNE 12, 2022, INSTEAD OF THE PUCO’S UNDEFINED “REVIEW” THAT
LACKS A FORMALIZED PROCESS FOR CONSUMER JUSTICE**

AND

**MOTION FOR THE PUCO TO HIRE AN INDEPENDENT AUDITOR FOR AN
INVESTIGATION OF THE AEP-OHIO SERVICE OUTAGES DURING THE
WEEK OF JUNE 12, 2022**

AND

**MOTION FOR THE PUCO TO ORDER AND PUBLICIZE LOCAL HEARINGS,
VIRTUAL HEARINGS, ONLINE COMMENTS, AND OTHER OPPORTUNITIES
FOR THE PUBLIC TO BE HEARD ON THE MID-JUNE SERVICE OUTAGES
BY AEP AND ANY OTHER OHIO ELECTRIC UTILITIES**

AND

**MOTION FOR THE PUCO TO DETERMINE IF AEP-OHIO WAS NEGLIGENT
AND IS LIABLE TO CONSUMERS FOR PERISHABLE FOOD AND OTHER
DAMAGES REGARDING ITS SERVICE OUTAGES DURING THE WEEK OF
JUNE 12, 2022, PURSUANT TO O.A.C. 4901:1-10-02(G), AEP’S TARIFF NO. 21
(ORIGINAL SHEET NO. 103-16) AND OTHER AUTHORITY AND FOR THE
PUCO TO WAIVE THE 30-DAY LIMIT IN AEP’S TARIFFS FOR CONSUMERS
TO NOTIFY AEP OF A DAMAGES CLAIM THAT IS BASED ON AEP
NEGLIGENCE**

BY

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July 11, 2022

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Tens of thousands of AEP-Ohio residential consumers and their families and businesses lost power during the week of June 12, 2022, in dangerously high heat and humidity. The outages reportedly occurred through a combination of grid/transmission

failures, storms, and AEP's own use of shut offs to avoid a greater system failure.¹ The lives of AEP consumers and their families in central Ohio were especially disrupted and at risk. People understandably are upset.

The Office of the Ohio Consumers' Counsel, Ohio Poverty Law Center, and Pro Seniors (collectively "Consumer Advocates") move the PUCO for consumer protections. *The PUCO should order an investigation of the AEP outages (as contrasted with its current "review"), hire an independent auditor, order local hearings and other opportunities for the public to be heard, and determine if AEP was negligent and thereby owes consumers compensation for perishable food and other damages.*

The PUCO should conduct an investigation, in this case that is related to AEP's reliability, or initiate an investigation and find "reasonable grounds" to hold a hearing per R.C. 4905.26.² Under either approach, the PUCO should hire an independent auditor to produce a report and make findings on, among other things:

- the scope of AEP's outages;
- the reasons for AEP's outages;
- whether storms caused AEP's transmission line problems that resulted in the AEP shut-offs of consumers for transmission load-shedding and, if not storms, then what caused the issue with AEP's transmission lines that led to the need for AEP's load-shedding;³
- the number of AEP consumers (residential and business) who were harmed and how they were harmed;
- the neighborhoods AEP disconnected and their demographic information;
- the impact of AEP's outages on at-risk populations and energy justice;
- AEP's communications with consumers, including warnings and alerts;

¹ See, e.g., AEP Ohio The Wire, "Columbus Area Power Outages + FAQs;" <https://www.aepohiowire.com/columbus-area-power-outages-faqs/> (attached).

² The PUCO should also investigate, in a case under R.C. 4905.26, mid-June power outages by other electric utilities, including any delays in restoring consumers' service.

³ Upon OCC's recent meetings with PJM about the AEP service outages, OCC understands from those meetings that the problem with the AEP transmission lines that led to AEP's need for load-shedding (shutting off central Ohio consumers) seems not to have been caused by storms (though PJM is awaiting further information).

- why the outages occurred despite several billion dollars that AEP consumers have paid and are paying for reliability of service;
- whether AEP was negligent; and
- what are the lessons learned for consumer protection in the future.

The focus of the report should include but not be limited to the power outages that impacted central Ohioans during the week of June 12, 2022. The PUCO should not share drafts of the auditor's report with AEP, prior to the report's publication.

The PUCO announced that it is making what it characterized as a "review" of AEP's outages.⁴ "Review" is an interesting choice of words by the PUCO. The word is not a regulatory term of art with a more formalized defined meaning such as the word "investigation." For example, to date the PUCO's review does not have a case number which would enable stakeholder interventions and a process. We are concerned that the review may largely be conducted by AEP and other utilities reviewing themselves. Such self-regulation is not a substitute for government regulation of monopolies utilities in the public interest.

The PUCO has conducted many investigations over the years. R.C. 4909.26 begins with the words "Upon an investigation" In such an investigation, "[t]he commission may also make such orders respecting such regulation, practice, or service as it determines is reasonable...." R.C. 4905.26 allows for the use of investigations by allowing for a wide variety of consumer protection issues to be addressed "upon the initiative or complaint of the" PUCO. The emergency statute, R.C. 4909.16, also provides a means for an investigation.

⁴ See, e.g., PUCO Press Release (June 29, 2022), <https://puco.ohio.gov/news/puco-schedules-power-outage-review-for-071322> (attached).

An investigation would have the following process protections (and more) for consumers. Interested parties would have rights to participate (intervene), per R.C. 4903.221. The limits on private (*ex parte*) communications between, for example, utilities and PUCO personnel (law judges and commissioners) would apply, per R.C. 4903.081. Transparency for the public would apply, per R.C. 4901.13 and 4903.09. Parties would have rights to conduct discovery on AEP regarding the outages, per R.C. 4903.082 and O.A.C. 4901-1-16 et seq. Subpoenas can be obtained, per O.A.C. 4901-1-25. The PUCO should hold a hearing, per O.A.C. 4901-1-27. The PUCO can find whether AEP's "management policies, practices, or organization ... are inadequate, inefficient or improper..." per R.C. 4909.154. The PUCO can address remedies and consequences, per R.C. 4909.154, and R.C. 4905.26, among other statutes. And there would be other important elements of due process and consumer protection applicable, via a formal process.

AEP-Ohio has charged and is in the process of charging over \$3 billion dollars to consumers for programs it justified on the basis of increasing reliability.⁵ These charges are reflected in a table in our memorandum in support. An investigation should include assessment of why the outages occurred despite the reliability improvements for which consumers have paid dearly.

⁵ For example, the Distribution Investment Rider (*see* Case No. 11-346-EL-SSO, \$365.7 million between 2012 and 2015; Case No. 13-2385-EL-SSO, \$667 million 2015 to 2018; Case No. 16-1852-EL-SSO, \$795 million 2019 to 2021; Case No. 20-585-EL-AIR, \$257 million between 2022 to 2024); the Enhanced Service Reliability Rider (*see* Case No. 08-917-EL-SSO, 45.5 million between 2009 and 2012; Case No. 11-348-EL-SSO, \$53.4 million between 2013 and 2015; Case No. 16-1852-EL-SSO, \$110.4 million between 2016 and 2021; Case No. 20-585-EL-AIR, \$153.75 million between 2021 and 2024); and the gridSMART Rider (*see* Case No. 08-917-EL-SSO, \$109 million for gridSmart 1; Case No. 13-1939-EL-RDR, \$516 million for gridSMART 2; and Case No. 19-1475-EL-RDR, \$312 million for gridSmart 3).

Also, the PUCO should enable consumers to be heard at local public hearings, virtual hearings, online comments, and through other means. The PUCO should publicize those opportunities for consumers to be heard. The PUCO invited AEP Ohio, AEP Transmission, and PJM Interconnection officials to appear at the PUCO's July 13th review.⁶ The public that suffered through the outages should have an opportunity to be heard by PUCO Commissioners.

The PUCO's independent auditor and ultimately the PUCO Commissioners should make a finding as to whether AEP is negligent with regard to the mid-June outages. AEP's tariffs are designed to prevent liability to consumers unless it has been negligent, such as in its Tariff No. 21 (Original Sheet No. 103-16). The PUCO's rule, O.A.C. 4901:1-10-02(G), subjects utilities to potential liability to consumers for damages resulting from utility negligence. The PUCO should make this finding so that, if AEP is negligent, consumers can recover damages from AEP for such items as perishable food and medicine.

We hope for the safety of the public and AEP's workers regarding the outages. The Consumer Advocates' reasons for our consumer protection motions are further set forth in the attached memorandum in support.

⁶ See n. 4, *supra*.

Respectfully submitted,

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MEMORANDUM IN SUPPORT

I. INTRODUCTION

Potentially as many as 200,000 AEP-Ohio residential consumers and businesses lost power during outages, in the week of June 12, 2022. There can be suffering, health risks, loss of food and medicine that requires refrigeration, and other damages, loss of business and employee earnings, and other disruptions resulting from the power outages. The harm was aggravated for the mid-June outages because of extreme heat and humidity. *And the harm was aggravated by what AEP described as its need to disconnect neighborhoods as a pre-emptive measure to avoid further stress on the electric grid.*

Further, there can be disparate and greater impacts on at-risk and low-income consumers, who are to be protected per state policy.⁷ We are recommending a public investigation process that is fair to consumers and to AEP, for investigating the outages.

One Ohioan is reported to have said that blackouts left “10 employees out of work” in his machine shop, after outages completely halted production.⁸ Another AEP

⁷ R.C. 4928.02(L).

⁸ *The power outage continues into day 2*, The Mark Blazor Show (June 15, 2022), <https://www.iheart.com/podcast/76-the-mark-blazor-show-30156686/episode/the-power-outage-continues-into-day-98377391/>.

Ohio consumer is reported to have described her life without power as follows: “hot and nasty, miserable, humid, spoiled food.”⁹

Franklin County’s poorest residents live in some of the neighborhoods that AEP Ohio’s outages hit hardest. More than 90% of consumers that reside in the Ohio State University District, an area with a high poverty rate, are reported to have lost power during the peak of the outage Wednesday afternoon.¹⁰ Linden and Milo-Grogan, also high-poverty neighborhoods, are reported to have had more than half of consumers lose power.¹¹ These low-income neighborhoods have fewer resources to cover the lost wages and spoiled food resulting from AEP’s outages.

Additionally, AEP’s cut-off of power to some neighborhoods gave many people little or no notice that they were losing their electricity.¹² “They could have had the courtesy...to say we’re shutting your power off,” reportedly said the machine shop worker.¹³ Instead, “the lights go off right in the middle of the workday.”¹⁴ Unannounced outages left people without a plan to preserve spoiling food and medicine that requires refrigeration, keeping vital medical devices operating, and staying cool during a dangerous heatwave.

⁹ 10TV Web Staff, *Power restored for majority of Columbus AEP customers following emergency outage*, 10WBNS (June 16, 2022), <https://www.10tv.com/article/weather/aep-ohio-power-columbus-restoration-time/530-c44ee46d-7aad-4ab6-97b2-0ffb843eb65>.

¹⁰ Jennifer Smola Shaffer and Jim Weiker, *Did AEP outages disproportionately impact poor city neighborhoods? Here’s what data shows*, The Columbus Dispatch (June 17, 2022), <https://www.dispatch.com/story/news/local/2022/06/17/aep-outages-target-poor-city-neighborhoods-data/7634706001/>.

¹¹ *Id.*

¹² *Id.*

¹³ *The power outage continues into day 2, supra* note 1.

¹⁴ *Id.*

AEP-Ohio has charged and is in the process of charging over \$3 billion dollars to consumers, with PUCO approval, for programs it justified on the basis of increasing reliability.¹⁵ These charges are reflected in the table below. Additionally, over the past five-year period, PJM approved approximately \$5 billion in additional AEP-Ohio Regional Transmission Expansion Plan (“RTEP”) charges to consumers – purportedly to increase reliability.¹⁶

¹⁵ For example, the Distribution Investment Rider (*see* Case No. 11-346-EL-SSO, \$365.7 million between 2012 and 2015; Case No. 13-2385-EL-SSO, \$667 million 2015 to 2018; Case No. 16-1852-EL-SSO, \$795 million 2019 to 2021; Case No. 20-585-EL-AIR, \$257 million between 2022 to 2024); the Enhanced Service Reliability Rider (*see* Case No. 08-917-EL-SSO, 45.5 million between 2009 and 2012; Case No. 11-348-EL-SSO, \$53.4 million between 2013 and 2015; Case No. 16-1852-EL-SSO, \$110.4 million between 2016 and 2021; Case No. 20-585-EL-AIR, \$153.75 million between 2021 and 2024); and the gridSMART Rider (*see* Case No. 08-917-EL-SSO, \$109 million for gridSmart 1; Case No. 13-1939-EL-RDR, \$516 million for gridSMART 2; and Case No. 19-1475-EL-RDR, \$312 million for gridSmart 3).

¹⁶ *See* the 2017-2021 PJM Ohio State Infrastructure Report Over \$5 million. The 2017-2021 PJM Ohio State Infrastructure Reports reflect that PJM approved approximately \$4842.27 million in additional RTEP charges for just AEP Ohio. These data, as per PJM, include only those projects that exceed \$5 million.

AEP Ohio Improved Reliability Riders (2009 – 2024)

AEP Ohio Reliability Program	Relevant Cases	Amount Authorized	Time Period	Purpose
Enhanced Service Reliability Rider (“ESRR”)	08-917-EL-SSO	\$45.5 Million	2009 – 2012	Additional Tree-Trimming to Prevent Outages
	11-346-EL-SSO	\$53.4 Million	2013 – 2015	
	16-1852-EL-SSO	\$110.4 Million	2016 – 2020	
	20-585-EL-AIR	\$153.8 Million	2021 – 2024	
Distribution Investment Rider (“DIR”)	11-346-EL-SSO	\$365.7 Million	2012 – 2015	Distribution Modernization to Improve Reliability
	13-2385-EL-SSO	\$667 Million	2016 – 2018	
	16-1852-EL-SSO	\$795 Million	2019 – 2021	
	20-585-EL-AIR	\$257 Million	2022- 2024	
gridSMART Phase 1	08-917-EL-SSO	\$109 Million	2009 – 2015	Deployment of smart grid technology to improve reliability
gridSMART Phase 2	13-1939-EL-RDR	\$516 Million	On-going	
gridSMART Phase 3	19-1475-EL-RDR	\$312 Million	On-going	

An investigation should include assessment of why the outages occurred despite the reliability improvements for which consumers have paid dearly.

The PUCO should act now to protect consumers by granting the Consumer Advocates’ motions and investigating AEP Ohio’s outages, consistent with our recommendations.

II. THE LEGISLATURE HAS GIVEN THE PUCO THE AUTHORITY TO INVESTIGATE UTILITIES FOR PROTECTION OF CONSUMERS AND TO HIRE INDEPENDENT AUDITORS

Ohio law requires that “[e]very public utility shall furnish necessary and adequate service and facilities, . . .”¹⁷ The PUCO may examine public utilities regarding the manner in which their properties are “operated, managed, and conducted . . . and their compliance with all laws, orders of the commission, . . .” among other things, per R.C. 4905.06. Further, that statute gives the PUCO the same authority to examine with regard “to the persons or companies owning, leasing, or operating such public utilities[,]” as referenced in R.C. 4905.05.

R.C. 4905.26 allows for the use of investigations by allowing for a wide variety of consumer protection issues to be addressed “upon the initiative or complaint of the” PUCO. Another statute, R.C. 4909.26, begins with the words “Upon an investigation....” In such an investigation, “[t]he commission may also make such orders respecting such regulation, practice, or service as it determines is reasonable....”

The PUCO has authority under R.C. 4909.154 to “consider the management policies, practices, and organization” of a public utility. Under this law, the PUCO can require a public utility to supply information about its policies, practices, and

¹⁷ R.C. 4905.22.

organization. Under R.C. 4909.154, the PUCO can require such information even if there is no rate case under consideration.¹⁸

If the PUCO finds that a utility's policies, practices, or organization are "inadequate, inefficient, or improper," the PUCO may recommend changes to the utility, per R.C. 4909.154. The PUCO has construed the statute to provide "clear authority to enforce our recommendations should they not be followed."¹⁹ And under R.C. 4909.154, "[i]n any event, the public utilities commission shall not allow such operating and maintenance expenses of a public utility as are incurred by the utility through management policies or administrative practices that the commission considers imprudent."²⁰ The PUCO has used this statute throughout the years to order management

¹⁸ *In the Matter of the Application of Ohio American Water Company to Increase its Rates for Water and Sewer Services Provided to its Entire Service Area*, Case No. 09-391-WS-AIR, Opinion and Order (May 5, 2010) (ordering management audit outside of a rate case with results to be considered in next rate case); *In the Matter of the Regulation of the Electric Fuel Component Contained within the Rate Schedules of Dayton Power & Light Company*, Case No. 87-107-EL-EFC, Entry on Rehearing at 7 (March 15, 1988) (holding that the PUCO could review the management practices of a utility under the statute outside a base rate case).

¹⁹ *In the Matter of the Application of the Toledo Edison Company for Authority to Amend and Increase Certain of Its Rates and Charges for Electric Service; In the Matter of the Application of the Cleveland Electric*, 1996 Ohio PUC LEXIS 180, 168 Pub. Util. Rep. 4th (PUR) 193, Case No. 95-299-EL-AIR et al., Opinion and Order at 115 (April 11, 1996).

²⁰ *See In the Matter of Ohio Edison Company for an Increase in Rates*, Case No. 81-898-EL-AEM, Opinion and Order at 6 (July 31, 1981) (ordering a management audit after allegations were made that utility was having financial difficulties that allegedly required a \$90 million bailout from customers); *In the Matter of the Application of Ohio American Water Company to Increase its Rates for Water and Sewer Services Provided to its Entire Service Area*, Case No. 09-391-WS-AIR, Opinion and Order (May 5, 2010) (PUCO ordered a management performance audit after questions were raised in a utility's rate case concerning affiliate transactions, allocation of service company costs, and the lack of cost controls); *In the Matter of the Application of Cobra Pipeline Company Ltd. For an Increase in its Rates and Charge et al.*, Case No. 18-1549-PL-AEM, Opinion and Order at 74 (September 11, 2019) (PUCO disallowed previously assessed personal property taxes for years prior to test period, along with associated penalties and interest, as imprudently incurred expenses that are barred from recovery under R.C. 4909.154).

audits of utilities or to bar utilities from collecting expenses that are unlawful or imprudent.²¹

The emergency statute, R.C. 4909.16, also provides a means for an investigation. And the PUCO's rule, O.A.C. 4901:1-10-02(G), subjects utilities to potential liability to consumers for damages resulting from utility negligence.

Further, the PUCO has authority to hire auditors to assist it in the performance of its duties. In many Entries for hiring auditors, the PUCO has explained its authority to do so. For example, the PUCO stated as follows:

The auditor will execute its duties pursuant to the Commission's statutory authority to investigate and acquire records, contracts, reports, and other documentation under R.C. 4903.02, 4903.03, 4905.06, 4905.15, and 4905.16.²²

²¹ See R.C. 4905.26 (PUCO has authority to investigate whether public utilities are providing service in a reasonable and just manner and to hold a hearing regarding any public utility's service); R.C. 4909.26 (upon investigation, PUCO has authority to change charges or services to make sure they are just and reasonable).

²² See, e.g., *In the Matter of the 2020 Review of the Delivery Capital Recovery Rider of Ohio Edison Company, the Cleveland Electric Illuminating Company, and the Toledo Edison Company*, Case No. 10-1629-EL-RDR, Entry (November 4, 2020) at 3.

III. RECOMMENDATIONS

- A. The PUCO should order an investigation of the AEP-Ohio service outages that affected thousands of consumers, their families, and businesses during the week of June 12, 2022, instead of the PUCO's undefined "review" that lacks a formalized process for consumer justice.**

and

- B. The PUCO should hire an independent auditor for an investigation of the AEP-Ohio service outages during the week of June 12, 2022.**

The PUCO should conduct an investigation in this case that is related to AEP's reliability. Or the PUCO should initiate an investigation and find "reasonable grounds" to hold a hearing per R.C. 4905.26.²³

Under either approach, the PUCO should hire an independent auditor to make a report. The focus of the audit report should include but not be limited to the AEP power outages that impacted central Ohioans during the week of June 12, 2022. Tens of thousands of consumers endured up to several days of near-one-hundred-degree temperatures and humidity without electricity during the AEP outages. Those consumers included at-risk consumers.²⁴ All consumers including at-risk consumers need protections from outages.

The auditor should produce a report and make findings on, among other things:

- the scope of AEP's outages;
- the reasons for AEP's outages;
- whether storms caused AEP's transmission line problems that resulted in the AEP shut-offs of consumers for transmission load-shedding and, if not

²³ The PUCO should also investigate, in a case under R.C. 4905.26, mid-June power outages by other electric utilities, including any delays in restoring consumers' service.

²⁴ R.C. 4928.02(L).

storms, then what caused the issue with AEP's transmission lines that led to the need for AEP's load-shedding;²⁵

- the number of AEP consumers (residential and business) who were harmed and how they were harmed;
- the neighborhoods that AEP disconnected, and their demographic information;
- the impact of AEP's outages on at-risk populations and energy justice;
- AEP's communications with consumers, including warnings and alerts;
- why the outages occurred despite several billion dollars that AEP consumers have paid and are paying for reliability of service;
- whether AEP was negligent; and
- what are the lessons learned for consumer protection in the future.

More granularly, the PUCO auditor should, at a minimum, investigate the following for consumer protection:

- The number of customer outages by day (beginning June 13, 2022) caused by failures of the transmission system and reasons why redundancy, resilience, and hardening of the transmission system were unable to sustain the electric load;
- The specific transmission and/or distribution system failures caused by the June 13-14, 2022 storms;
- The specific transmission and/or distribution system failures resulting from facility over-loading conditions caused by the high heat;
- The specific transmission equipment and/or circuits that failed and an assessment of the design specifications of the equipment and/or circuits to withstand similar types of weather or other conditions;
- The causes of failure for each item of transmission equipment and/or circuit that failed;
- The identities of the substations served by each failed transmission equipment and/or circuits;
- The identities of all circuits supplying each of these substations;
- The identities of all distribution circuits supplied by each of these substations;
- The number of customer outages by distribution circuit by day, as well as the cause of each (such as failures of the distribution system equipment, weather damage, and/or load shedding decisions) and reasons why the redundancy, resilience, and hardening of the distribution system were unable to prevent the outages and/or reduce the duration of the outages;

²⁵ Upon OCC's recent meetings with PJM about the AEP service outages, OCC understands from those meetings that the problem with the AEP transmission lines that led to AEP's need for load-shedding (shutting off central Ohio consumers) seems not to have been caused by storms (though PJM is awaiting further information).

- The identities of distribution circuits with distribution automation capabilities and an assessment of any contribution that distribution automation provided in reducing the number of customers interrupted;
- The number of customer interruptions that were avoided due to distribution modernization plans being funded under the Distribution Investment Rider (“DIR”);
- The number of tree-caused outages both within and outside of the right-of-way and an assessment of the effectiveness of the vegetation management plan in preventing outages;
- The factors influencing why AEP decided to interrupt the supply of electricity to some consumers;
- The number of customer interruptions by day and by zip code that occurred as a result of AEP interrupting the supply of electricity to specific transmission or distribution circuits;
- The reasons why those specific transmission or distribution circuits were selected for interruption, and an assessment of other circuits that were considered for interruption, but remained uninterrupted;
- How AEP’s is using distribution rider funds from charges to consumers under the DIR, gridSMART, and the Enhanced Service Reliability Rider (“ESRR”) to avert and/or moderate load shedding (interruption of consumers’ electricity) and storm damage issues such as those encountered the week of June 13, 2022;
- An assessment of AEP’s response under its emergency plans;
- An assessment of AEP’s response in coordinating restoration of service efforts to include the total number of AEP personnel, contractors, or mutual aid resources that worked on restoring power; and
- An assessment of AEP’s efforts to keep the public informed about outages, AEP’s intentions to interrupt their service, and restoration efforts throughout the outages.

The PUCO Commissioners, with input from the public and from parties, should then make its findings.

The PUCO should not share drafts of the independent auditor’s report with AEP, prior to the report’s publication. The PUCO has been sharing drafts of its audit reports with utilities. But the PUCO does not share such draft audit reports with consumer advocates prior to publication.

Governor DeWine made a number of good points in his recent press statement calling for a review. His points should be included in the investigation we seek. (*See*

attachment) In a letter to AEP, members of the Ohio House Minority Caucus identified important points that should be addressed in an investigation. (*See attachment*)

The PUCO's announced "review" of the AEP outages is not enough for consumer protection. The PUCO said that: "Here at the PUCO, we have been closely monitoring the outages and communicating with PJM and the utilities. As a regulator the PUCO monitors system-wide reliability, and as with any major outage, we will be communicating with Ohio's utilities to do an after-action review and determine what steps can be taken to avoid future occurrences."²⁶ The PUCO's referenced review is too undefined and non-formalized for consumer justice. The PUCO appears to be relying on AEP's upcoming investigation of itself. But self-regulation by monopoly utilities doesn't work for consumers.

Interestingly, the PUCO has not even opened a case for its review. Most all of the legislature's due process protections for the public are only invoked where there is a case.

An investigation case would have the following process protections (and more) for consumers. Interested parties would have rights to participate (intervene), per R.C. 4903.221. The limits on private (*ex parte*) communications between, for example, utilities and PUCO personnel (law judges and commissioners) would apply, per R.C. 4903.081. Transparency for the public would apply, per R.C. 4901.13 and 4903.09. Parties would have rights to conduct discovery on AEP regarding the outages, per R.C. 4903.082 and O.A.C. 4901-1-16 et seq. Subpoenas can be obtained, per O.A.C. 4901-1-

²⁶ Statement by PUCO Chair French (June 15, 2022), <https://puco.ohio.gov/news/june2022-outages> (attached).

25. The PUCO should hold a hearing, per O.A.C. 4901-1-27, with expert testimony per O.A.C. 4901-1-29.

Further, the PUCO can find whether AEP's "management policies, practices, or organization ... are inadequate, inefficient or improper..." per R.C. 4909.154. The PUCO can address remedies and consequences, per R.C. 4909.154, and R.C. 4905.26, among other statutes. And there would be other important elements of due process and consumer protection applicable, via a formal process.

For the reasons explained, there should be a real investigation conducted by the PUCO in a formal case. That investigation should have an independent auditor this is hired by the PUCO and that is under contract with the PUCO. The case should have due process for interested parties.

C. The PUCO should order and publicize local hearings, virtual hearings, online comments, and other opportunities for the public to be heard on the mid-June service outages by AEP and any other Ohio electric utilities.

The Consumer Advocates move for local hearings and other means for the public to express their perspectives to the PUCO about the outages. The opportunities for the public to participate should be arranged with the convenience of the public as a priority. The public has been inconvenienced more than enough already by the outages. Virtual hearings, for example, should be arranged in part on an appointment basis, as is done by some businesses, government and health care providers.

The PUCO has scheduled local public hearings even when not required by statute, when it felt the hearings were necessary.²⁷ In an AEP Ohio case, AEP Ohio filed a self-

²⁷ *In the Matter of the Application of the Ohio Bell Telephone Co. ("Ohio Bell")*, Pub. Util. Comm. No. 90-467-TP-ATA, Entry at 2-3 (June 24, 1991); *In the Matter of the Application of the Ohio Bell Telephone*

complaint for failure to comply with the distribution service reliability requirements in the settlement in Case No. 03-2570-EL-UNC.²⁸ As part of its self-complaint (ironically given the recent outages), AEP Ohio also sought permission to implement enhanced service reliability programs with related cost recovery through increased distribution rates.²⁹ In considering the reasonableness of the potential charge, the PUCO not only scheduled an evidentiary hearing (as required by R.C. 4905.26), but it also *sua sponte* scheduled local public hearings at six locations.³⁰

Additionally, the PUCO held local public hearings for a DP&L electric security plan case “[i]n order to provide customers of DP&L a reasonable opportunity to provide public testimony in this proceeding.”³¹ Similarly, the PUCO held local public hearings in the FirstEnergy³² and Duke³³ electric security plan cases too.

These PUCO precedents illustrate the value and importance of consumer input. In particular, the AEP self-complaint case demonstrates the importance of consumer input

Co., Pub. Util. Comm. No. 90-467-TP-ATA, 1991 Ohio PUC LEXIS 829, Entry on Interlocutory Appeal at *5 (July 10, 1991).

²⁸ *In the Matter of the Self-Complaint of Columbus Southern Power Company and Ohio Power Company Regarding the Implementation of Programs to Enhance Distribution Service Reliability*, Case No. 06-222-EL-SLF, Entry at 1-2 (February 6, 2006).

²⁹ *In the Matter of the Self-Complaint of Columbus Southern Power Company and Ohio Power Company Regarding the Implementation of Programs to Enhance Distribution Service Reliability*, Case No. 06-222-EL-SLF, Entry at 1 (July 26, 2006).

³⁰ *In the Matter of the Self-Complaint of Columbus Southern Power Company and Ohio Power Company Regarding the Implementation of Programs to Enhance Distribution Service Reliability*, Case No. 06-222-EL-SLF, Entry at 1-2 (November 27, 2006).

³¹ *In the Matter of the Application of the Dayton Power and Light Company to Establish a Standard Service Offer in the Form of an Electric Security Plan*, Case No. 12-426-EL-SSO, Entry at 2 (December 6, 2012).

³² *In the Matter of the Application of Ohio Edison Company, the Cleveland Electric Illuminating Company, and the Toledo Edison Company for Authority to Establish a Standard Service Offer Pursuant to Section 4928.143, Revised Code, in the Form of an Electric Security Plan*, Case No. 08-935-EL-SSO, Entry at 1-2 (September 9, 2008).

³³ *In the Matter of the Application of Duke Energy Ohio, Inc., for Approval of an Electric Security Plan*, Entry at 1-2 (September 17, 2008).

where service reliability is at issue. Given the outages during the week of June 12, 2022, where nearly 200,000 consumers suffered outages in a heatwave, it is important to allow AEP's consumers a local opportunity to provide testimony on their outage experiences.

AEP's consumers should also be given an opportunity to share their insights virtually. In the last few years, virtual communications enabled by 21st century technology have become more of a norm. That should include opportunities for the public to testify virtually in PUCO cases.

Moreover, the state, country, and world are emerging from a once-in-a-century pandemic. Many are still concerned about being in public gatherings. Virtual public hearings address that public health concern.

The PUCO has conducted numerous evidentiary hearings remotely during the pandemic. Recently, the PUCO arranged a local public hearing in a rate case.³⁴ Consumers wishing to safely appear at local public hearings deserve the same consideration. Those consumers should be given the opportunity to testify about the impact of the outages without having to travel to Columbus. And the PUCO should allow them the opportunity for their voices to be heard.

There should be adequate notice of the local public hearings. The notice should be written in terms understandable to the public. The notice should be published in newspapers of general circulation in each county served by AEP Ohio. And the hearings should be advertised on radio and television, given the broad public concern about the

³⁴ See e.g., *In the Matter of the Application of the Dayton Power & Light Company to Increase its Rates for Electric Distribution*, Case No. 20-1651-EL-AIR et al.; and *In the Matter of the Application of Ohio Power Company for an Increase in Electric Distribution Rates*, Case No. 20-585-EL-AIR.

outages. And the notice should explain how consumers may submit comments by regular mail and online at the PUCO's website.

To serve consumers' convenience with access to their government, the PUCO should take additional steps. The PUCO should set up a process whereby consumers can set up an appointment or reserve a "slot" for testimony (similar to the process at the Bureau of Motor Vehicles or to obtain vaccinations at pharmacies. And the PUCO should create a link, dedicated to these outage issues, on its website for consumers to submit comments. Consumers have suffered as a result of the AEP Ohio outages. It should be made convenient for them to inform the PUCO about the outages' impact on them.

The local hearings (in-person and virtual) should be webcast. That would be consistent with Ohio law requiring openness and transparency of PUCO proceedings.³⁵ Webcasting the hearings would also be consistent with the PUCO webcasting its meetings.

- D. The PUCO should determine if AEP-Ohio was negligent and is liable to consumers for perishable food and other damages regarding its service outages during the week of June 12, 2022, pursuant to O.A.C. 4901:1-10-02(g), AEP's Tariff No. 21 (Original Sheet No. 103-16) and other authority and the PUCO should waive the 30-day limit in AEP's tariffs for consumers to notify AEP of a damages claim that is based on AEP negligence.**

Many consumers lost perishable food and medicine that requires refrigeration during the AEP power outages. And consumers suffered other damages as well during AEP's outages.

AEP's tariffs are designed to deny consumers' claims for recovery of damages except for the potential where AEP is negligent. An example is AEP Tariff No. 21,

³⁵ See, e.g., R.C. 4901.13 and 4903.09.

Original Sheet 103-16 (*see attached*). AEP's liability for negligence exists for consumers because the PUCO ruled, in promulgating O.A.C. 4901:1-10-02(G), that utilities could not excuse themselves from damages if they were negligent in providing service. Some of AEP's consumer information about seeking recovery of damages can be found on its website at: <https://aepclaims.com/>.

Of course, utilities would tend to not concede negligence. So consumers would have a tough time obtaining compensation for damages against lawyered-up utilities. That is especially so where it would cost consumers much more in attorney fees (to litigate against the utility) than, for example, the amount of damages for perishable food and medicine that requires refrigeration.

Consumers may also have a tough time wading through AEP information about perfecting a damage claim based on negligence. AEP Tariff No. 21 (Original Sheet 103-16) purports to limit consumer claims to those for which consumers give notice "within thirty days after the interruption, irregularity, delay or failure begins." The AEP and PJM reports on the outages will not be available for weeks or perhaps months. It is unreasonable to expect consumers within a month to somehow determine if they have a claim based on negligence and notify AEP.

The PUCO should waive the tariff limitation on 30-day notification. But AEP itself, in the interest of fairness to consumers, should announce a waiver of the notification deadline. Finally, on behalf of AEP's residential consumers, this filing constitutes notice to AEP for any consumer claims based on negligence related to the outages that occurred during the week of June 12, 2022.

For these reasons, the PUCO independent auditor (that we recommend be hired) and the PUCO Commissioners should make findings in an investigation about whether AEP has been negligent with regard to its outages. The issue is important for protection of thousands of Ohio consumers and their families and for businesses who suffered damages during the outages and want compensation.

IV. CONCLUSION

People need utility services to live. To protect Ohioans, the PUCO should grant the motions of the Ohio Consumers' Counsel, Ohio Poverty Law Center and Pro Seniors to order an investigation of the AEP outages (as contrasted with its current "review"), hire an independent auditor, order local hearings and other opportunities for the public to be heard, and determine if AEP was negligent and thereby owes consumers compensation for perishable food and other damages.

Respectfully submitted,

Bruce Weston (0016973)
Ohio Consumers' Counsel

/s/ William J. Michael
William J. Michael (0070921)
Counsel of Record
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CERTIFICATE OF SERVICE

I hereby certify that a copy of this Motion was served on the persons stated below
via electronic transmission, this 11th day of July 2022.

/s/ William J. Michael
William J. Michael
Assistant Consumers' Counsel

The PUCO's e-filing system will electronically serve notice of the filing of this document
on the following parties:

SERVICE LIST

john.jones@ohioAGO.gov

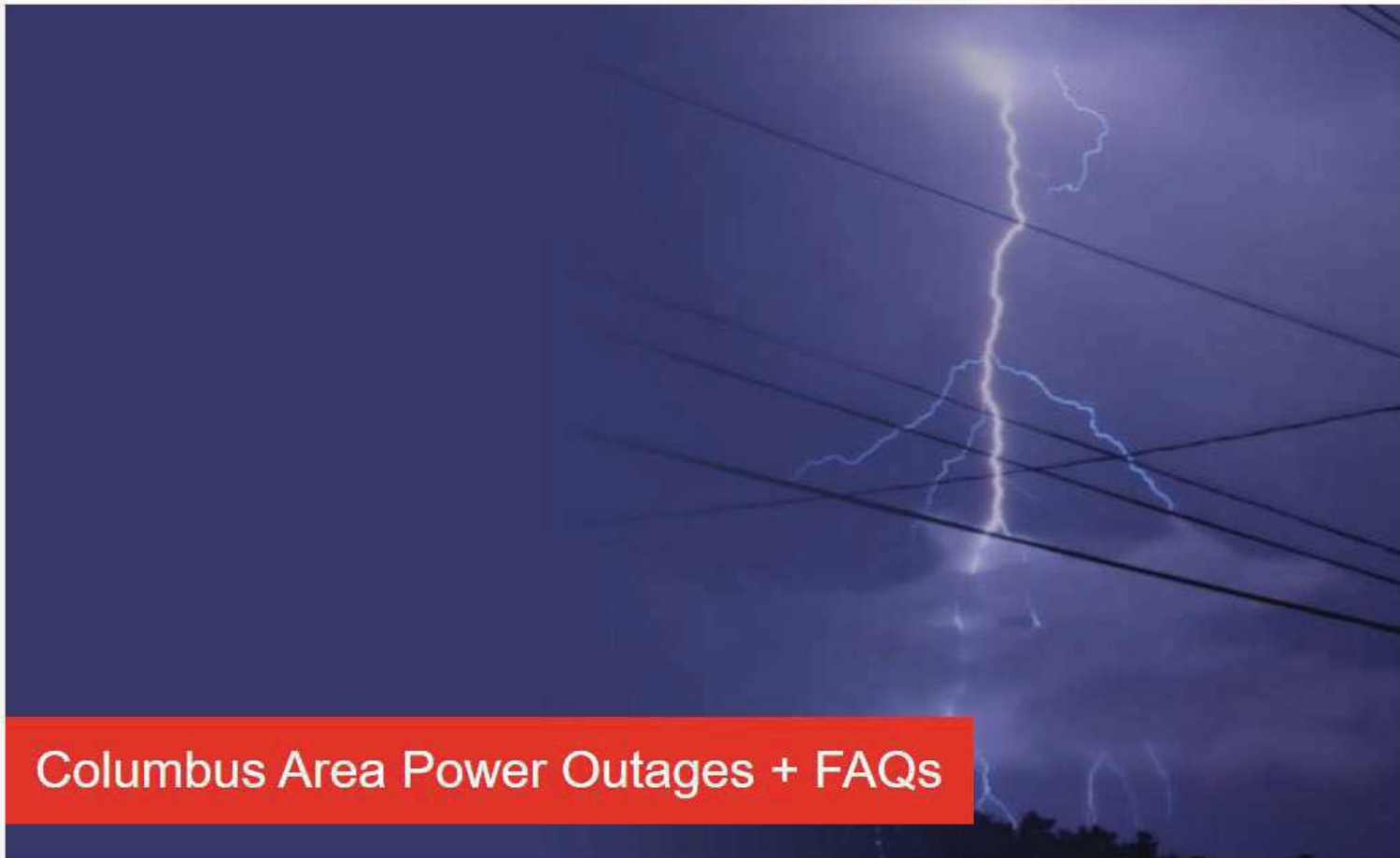
stnourse@aep.com

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Columbus Area Power Outages + FAQs

Bill Assistance for Eligible AEP Ohio Customers

Starting Monday, June 20, we are expanding the current bill assistance available through the Neighbor to Neighbor program. Current funding available through this program is \$2.7 million. This special expanded assistance opportunity will provide eligible AEP Ohio customers in need with a grant applied directly to their bill, even if they are not currently past due. Customers can learn more and, if eligible, apply between June 20 and July 29, 2022 at [AEPOhio.com/n2n](https://aepohio.com/n2n) while funds are available.

Share This



Franklin County Residents – Assistance Available Through Local Organizations

The extreme storms that hit June 13-14, followed by extremely hot weather, resulted in an emergency situation where power outages throughout Columbus had to be taken to prevent wider spread outages, which created challenges for many Franklin County communities. We're partnering with various organizations, including Columbus Urban League, IMPACT Community Action, Lifecare Alliance and Mid-Ohio Food Collective, and are providing a financial contribution of \$1 million funded by the AEP Ohio Fund of the Columbus Foundation that will be used to help respond to the impacts these residents experienced as a result of this highly unique event. The AEP Ohio Fund and the AEP Foundation have consistently supported non-profits that are providing support to our customers and communities.

These organizations will use these funds to expand or supplement the community support they currently provide. Each program may have its own eligibility requirements.

Mid-Ohio Food Collective – collects and distributes food to combat hunger throughout the region. You can find more information about eligibility requirements and available service locations at <https://mofc.org/get-help/>

LifeCare Alliance – assists older adults or medically challenged residents through a variety of programs including Meals on Wheels. More information can be found by visiting <https://www.LifeCareAlliance.org> or calling 614-278-3130.

Columbus Urban League – offers emergency rental and other housing assistance. More information is available at <https://www.cul.org/>

IMPACT Community Action – administers utility and housing assistance programs. You can learn more about their programs and eligibility requirements by visiting <https://www.impactca.org/housing-crisis>

In addition to the assistance opportunities created by the donation, residents also can seek assistance related to storm impacts through:

- **Franklin County Job and Family Service Food Assistance Program**
- Expanded **Neighbor to Neighbor Program** to help with electric bills

Previous Updates

2:30 PM, June 16 Update

7:30 PM, June 15 Update

12:00 PM, June 15 Update

Frequently Asked Questions

Why did AEP have to turn off my power?

Using emergency forced outages is something that electric companies do in emergency situations to reduce the risk of large scale outages to the electric grid. This action is always a last resort as we understand the impact and challenges to our customers who lose power.

There are a number of situations that can result in emergency forced outages. In this case, the electric transmission lines in specific areas of the AEP system were overloaded during the extreme heat as a result of other lines being out of service due to storm damage. Similar to kinking a garden hose and leaving the water on, if there is enough water pressure and the kink is strong enough, the hose could burst. If emergency actions were not taken, the lines could overload to the point of failure, causing catastrophic damage to the system as well as more widespread and extended customer outages.

How does AEP decide what customers to disconnect?

The homes and businesses that experienced the emergency outages were the ones served by overloaded transmission lines and were located throughout various parts of the city. The outages were not directed to particular communities but were caused by the grid conditions created by the storms and hot weather.

Why didn't you tell customers they were going to be disconnected so they could prepare?

Unfortunately, there was not enough time to notify customers before taking the necessary actions to protect the grid on Tuesday, June 14. A complex computerized system managed by a team of highly skilled and certified professionals monitors, controls and analyzes the power grid every second of every day. At times, they must react to situations quickly to protect the system. Taking customers offline is always a last resort, but sometimes it is the only option available to preserve the power grid and prevent widespread damage and longer outages.

Why can't AEP use rolling blackouts to address this issue?

There are some situations when outages can be rotated among different groups of customers. In this case, the affected transmission lines could not be brought back online until other lines that fed into the area were repaired from storm damage and returned to service. This eliminated the ability to rotate outages from one area to another. We worked around the clock to restore the damaged lines and get power back on to every customer.

Why were outages necessary in Columbus when the storms didn't cause damage to power lines there?

During the June 13 storms, high winds caused severe damage to high-voltage transmission lines delivering power into the Columbus area. Power from these lines was automatically transferred to several other transmission lines to keep power flowing. On June 14, the hot weather conditions increased power demands, and the transmission lines that were still in service after the storm became overloaded. Power had to be taken off the overloaded transmission lines to prevent catastrophic failure of the larger grid.

Will this happen every time it gets hot?

We understand that customers are concerned about the potential for future power outages during the hot summer. Our transmission grid is planned, designed and built with redundancy and hardening to handle extreme temperatures. A unique set of circumstances led to the emergency forced outages – a powerful storm that caused significant damage combined with record temperatures.

We are committed to a reliable and resilient grid for all customers. Repairs have now been made to the damage caused by this Derecho storm. While we cannot guarantee that there will not be outages, our crews are ready to respond and provide safe and timely restoration of service.

Why didn't I see workers in my community fixing this outage?

The storm damage was to the transmission system, which includes the large, high-voltage towers and lines that carry power across long distances into Columbus. These large lines feed into the local distribution system, which includes the smaller poles and wires that deliver power to homes and businesses. Those local distribution lines in Columbus were not damaged by the storm. The repairs were occurring on the larger transmission system.

On the next electric bill, will customers have to pay for the time their power was out?

No, customers do not pay for power when their electric meter is not running.

Page Last Updated: June 23, 2022



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PUCO schedules power outage review for July 13

PUCO announced today officials with AEP Ohio, AEP Transmission, and PJM Interconnection will appear before the Commission on July 13 to discuss this month's electric power outages.

PUCO HOME

Click the button to navigate back to the homepage.

Take me back

COLUMBUS, OHIO (June 29, 2022) – The Public Utilities Commission of Ohio (PUCO) announced today officials with AEP Ohio, AEP Transmission, and PJM Interconnection will appear before the Commission on July 13 to discuss this month's electric power outages.

“The PUCO's mission is to assure access to reliable utility services. Consistent with our mission, the PUCO will conduct a review of the outages, why and where the outages occurred, the impact on vulnerable populations, communication efforts, the decision-making surrounding the forced outages, the timeline of events, and what can be done to better protect or assist consumers in the future,” stated PUCO Chair Jenifer French.

The meeting will take place immediately following the Commission's regularly scheduled 1:30 p.m. public meeting on July 13, 2022, located at 180 E. Broad Street, Columbus, OH 43215 in hearing room 11-B. The meeting is open to the public and will also be livestreamed on the [PUCO's YouTube channel](#).

[Read PUCO Chair Jenifer's June 15 statement](#) announcing the review of outages

[Read invitation letters](#)

[Read Governor Mike DeWine's statement](#)

-30-

Resource Details

Published: **June 29, 2022**



Tuesday, June 21, 2022

Governor Backs State Review Of AEP Outages

[Gov. Mike DeWine](#) has thrown his support behind an expected review of recent forced power outages in AEP Ohio's service territory.

The governor issued a statement Tuesday welcoming assurances from [Public Utilities Commission of Ohio](#) Chair Jenifer French that the agency would examine the recent events.

At its peak, the outages impacted 250,000 AEP customers as the utility sought to reduce load to accommodate a days-long heat wave that set in shortly after a storm damaged more than 350 poles and 2,100 spans of wire.

Ms. French last week issued a statement that the PUCO "will be communicating with Ohio's utilities to do an after action review and determine what steps can be taken to avoid future reoccurrences." (See [Gongwer Ohio Report, June 16, 2022](#))

That came after the Ohio Consumers' Counsel and the Ohio Manufacturers' Association pushed for an investigation into the outages, noting the impact on both residential and commercial customers.

In his statement, Gov. DeWine pointed to Chair French's remarks, saying the regulator will "conduct a review of all Ohio's electric utilities related to electric power outages following storms that occurred on June 13th and actions that those utilities may or may not have taken."

"I support this review and note than many of the questions Ohioans are asking in the light of these power failures should be reviewed as part of the PUCO process," he added.

Among the questions the governor said he is hoping to see answered are:

- What steps Ohio utilities are taking to avoid a reoccurrence.
- Why certain central Ohio neighborhoods lost power and others did not.
- Why some northeast Ohio communities took nearly a week to see service restored.
- Whether utilities did enough to communicate with their customers, especially if electric communication did not work during the outage.

"I look forward to the findings of the PUCO," the governor said.

Power to central Ohio residents largely has been restored, and the company on Monday highlighted \$2.7 million in assistance funding available for impacted customers.

"We recognize the impacts of the recent severe weather were extremely difficult for many families and individuals, and some continue to face significant economic challenges," said Jon Williams, managing director of customer experience and distribution technology. "We're committed to supporting our customers who are struggling to make ends meet through this expanded program."

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June 16, 2022

Marc Reitter, President and COO
AEP Ohio
700 Morrison Road
Gahanna, OH 43230

Dear Mr. Reitter:

We write today with concerns and questions about the recent intentional power outages that continue to affect our constituents and your customers. As elected representatives, we are stewards of the public's trust, and it is our duty to ensure reliability of essential services and accountability when those systems fail.

As one of the state's leading utility companies, we believe you have an obligation to reasonably provide customers with access to services and communicate planned outages to limit the human and financial costs shouldered by families, cities and people with medical needs. We respectfully request your prompt attention and responses to our questions below.

When did PJM request load shedding and when did AEP comply?

Why were customers not notified, cities and institutions like hospitals not notified of planned power shutdowns due to grid strain?

Were other electric utilities in other areas of the state and PJM territory required to similarly shed load?

How were blacked out neighborhoods chosen? Can you provide a map that includes street level detail? If areas were chosen because they are most likely to overload the overall system, why is that the case? Is there more demand in these communities? Have there been fewer upgrades to these areas of the grid?

Why were neighborhoods blacked out for so long? Could AEP have chosen to blackout more communities for shorter periods of time so that the burden was not placed on fewer communities for longer time periods?

Mr. Marc Reitter
Page 2
June 16, 2022

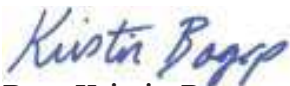
HB 6 eliminated energy efficiency programs that included incentivizing large employers to participate in demand response programs. What role did demand response programs play in alleviating grid issues? Would incentivizing more demand response programs help further?

The intentional blackouts have affected residents and businesses in enormous ways. What is available to customers to recoup costs? What are you doing to proactively help customers understand how to make claims?

Is there anything AEP will do differently the next time this happens? What is AEP doing to modernize the grid so that situations like this become more preventable?

We find it troubling that AEP has no issue with customer notifications when bills are due, but when customers are faced with historic heat, limited resources and great needs, there seems to be limited or no communication about planned outages that impact the health, safety and welfare of customers. We appreciate your attention to these important matters and believe a further detailed accounting of and investigation into these events is warranted.

Sincerely,



Rep. Kristin Boggs
House District 18



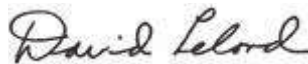
Rep. Rich Brown
House District 20



Rep. Latyna Humphrey
House District 26



Rep. Dontavius Jarrells
House District 25



Rep. David Leland
House District 22



Rep. Mary Lightbody
House District 19



Rep. Beth Liston
House District 21



Rep. Adam Miller
House District 17



Rep. Allison Russo
Minority Leader
House District 24

Statement on power outages

PUCO Jenifer French on recent power outages.

PUCO HOME

Click the button to navigate back to the homepage.

Take me back

At the Commission's June 15, 2022 public meeting Jenifer French provided the following:

"Before we begin, I would like to take a moment to talk about the power outages this week. On Monday night, storms made their way through Ohio and caused damage to the electric grid and outages throughout the state.

After the storms came through, several transmission lines, which carry the large loads of power from generating sources to the smaller distribution lines and substations, were out of service.

Here in Ohio, we are a member of the PJM regional transmission organization. PJM is the grid operator for 13 states including Ohio. It is their job to make sure the electric grid remains reliable and directs power where it needs to flow in real time. To use an analogy, think of PJM as the air traffic controller of our electric grid.

This week, due to the storms leaving less transmission lines in service combined with the high temperatures, there was increased stress on the transmission lines that were still in service. Because of this, yesterday afternoon PJM had to order AEP Ohio to decrease the electricity demand on some parts of the stressed system in central Ohio.

Here at the PUCO, we have been closely monitoring the outages and communicating with PJM and the utilities. As a regulator the PUCO monitors system-wide reliability, and as with any major outage, we will be communicating with Ohio's utilities to do an after-action review and determine what steps can be taken to avoid future occurrences.

These outages have caused not only inconveniences, but also serious problems for residents and businesses in the affected areas. We understand these problems and hope to see power restored to all as soon as possible.

I'd like to thank those working around the clock to restore power as quickly and safely as possible. You all are putting in long hours in this extreme heat, and we greatly appreciate the important work you are doing to help bring our communities back online.

We will continue to monitor this situation until all power has been restored. Thank you."

PUCO Commission Meeting - June 15



Resource Details

Published: **June 15, 2022**

P.U.C.O. NO. 21

TERMS AND CONDITIONS OF SERVICE

accumulated depreciation and less the net salvage value of that equipment, or (2) any remaining demand or minimum bill charges due under the contract or any extension thereof resulting from application of this provision.

In the event of loss of or injury to the property or equipment of the Company through misuse or negligence of the customer or the customer's employees or invitees, the cost of any necessary repairs or replacement shall be repaid to the Company by the customer. The customer will be held responsible for any tampering or interfering with or breaking the seals of meters or other equipment of the Company installed on the customer's premises and will be held liable for the same according to law.

The customer hereby agrees that no one except the employees of the Company, or its agents, shall be allowed to make any internal or external adjustments of any meter or any other piece of apparatus which shall be the property of the Company.

At the request of any customer served on a schedule containing a separate demand charge, the Company shall provide a demand signal to the customer. The customer shall pay to the Company the cost for providing the signal. The Company shall not be liable for a loss of signal, and in such event the customer shall pay for the demand and energy as actually metered by the Company.

Suspension of service for any of the above reasons shall not terminate the contract for service. The authorized agents or employees of the Company shall have free and safe access at all reasonable hours and in emergencies to the premises of the customer for purposes of installing, reading, removing, testing, replacing, or otherwise disposing of its apparatus and property, and the right of entire removal of the Company's property in the event of the termination of the contract for any cause. The customer will keep the area where the Company's apparatus and property are located free from obstruction, danger and/or safety hazards. The Company's agent will, upon request, show credentials and state the reasons for requiring access.

No responsibility of any kind shall attach to the Company for or on account of any loss, injury or damage caused by or resulting from defects in or inadequacy of the wires, switches, equipment, or appurtenances of the customer, or from the installation, maintenance or use thereof.

20. COMPANY'S LIABILITY

The Company will use reasonable diligence in furnishing a regular and uninterrupted supply of energy but does not guarantee uninterrupted service. The Company shall not be liable for damages in case such supply should be interrupted or fail by reason of an act of God, the public enemy, accidents, labor disputes, orders or acts of civil or military authority, breakdowns or injury to the machinery, transmission lines, distribution lines or other facilities of the Company, extraordinary repairs, or any act of the Company, including the interruption of service to any customer, taken to prevent or limit the extent or duration of interruption, instability or disturbance on the electric system of the Company or any electric system interconnected, directly or indirectly, with the Company's system, whenever such act is necessary or indicated in the sole judgment of the Company.

The Company shall not be liable for any loss, injury, or damage resulting from the customer's use of the customer's equipment or occasioned by the energy furnished by the Company beyond the delivery point. Unless otherwise provided in a contract between the Company and customer, the point at which service is delivered by the Company to the customer, to be known as "delivery point", shall

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TERMS AND CONDITIONS OF SERVICE

be the point at which the customer's facilities are connected to the Company's facilities. The metering device is the property of the Company; however, the meter base and all internal parts inside the meter base are customer owned and are the responsibility of the customer to install and maintain. The Company shall not be liable for any loss, injury, or damage caused by equipment which is not owned, installed and maintained by the Company.

The customer shall provide and maintain suitable protective devices on the customer's equipment to prevent any loss, injury, or damage that might result from single phasing conditions or any other fluctuation or irregularity in the supply of energy. The Company shall not be liable for any loss, injury, or damage resulting from a single phasing condition or any other fluctuation or irregularity in the supply of energy which could have been prevented by the use of such protective devices. The Company shall not be liable for any damages, whether direct or consequential, including, without limitations, loss of profits, loss of revenue, or loss of production capacity occasioned by interruptions, fluctuations or irregularity in the supply of energy.

The Company is not responsible for loss or damage caused by the disconnection or reconnection of its facilities. The Company is not responsible for loss or damages caused by the theft or destruction of Company facilities by a third party.

Except as otherwise provided in this Section, the Company shall be liable to the customer for damage directly resulting from interruptions, irregularities, delays, or failures of electric service, caused by the negligence of the Company or its employees or agents, but any such liability shall not exceed the cost of repairing, or actual cash value, whichever is less, of equipment, appliances, and perishable food stored in a customer's residence damaged as a direct result of such negligence. The customer must notify the Company of any claim based on such negligence within thirty days after the interruption, irregularity, delay or failure begins. The Company shall not be liable for consequential damages of any kind. This limitation shall not relieve the Company from liability which might otherwise be imposed by law with respect to any claims for personal injuries to the customer.

The Company will provide and maintain the necessary line or service connections, transformers (when same are required by conditions of contract between the parties thereto), meters and other apparatus which may be required for the proper measurement of and protection to its service. All such apparatus shall be and remain the property of the Company and the Company shall be granted ready access to the same, except to read inside meters. Such access to inside meters shall be granted upon reasonable request to residential customers during regular business hours.

Approval of the above schedule language by the Commission does not constitute a determination by the Commission that the limitation of liability imposed by the Company should be upheld in a court of law. Approval by the Commission merely recognizes that since it is a court's responsibility to adjudicate negligence and consequent damage claims, it is also the court's responsibility to determine the validity of the exculpatory clause.

21. RESIDENTIAL SERVICE

The Residential Customer is a customer whose domestic needs for electrical service are limited to their primary single family residence, single occupancy apartment and/or condominium, mobile housing unit, or any other single family residential unit. Individual residences shall be served individually under a residential service schedule. The customer may not take service for two (2) or more separate residences through a single meter under any schedule, irrespective of common

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in

Case No(s). 20-1111-EL-ESS

Summary: Motion Motion for the PUCO to Order an Investigation of the AEP-Ohio Service Outages That Affected Thousands of Consumers, Their Families, and Businesses During the Week of June 12, 2022, Instead of the PUCO's Undefined "Review" That Lacks a Formalized Process for Consumer Justice and Motion for the PUCO to Hire an Independent Auditor for an Investigation of the AEP-Ohio Service Outages During the Week of June 12, 2022 and Motion for the PUCO to Order and Publicize Local Hearings, Virtual Hearings, Online Comments, and Other Opportunities for the Public to be Heard on the Mid-June Service Outages by AEP and Any Other Ohio Electric Utilities and Motion for the PUCO to Determine if AEP-Ohio Was Negligent and Is Liable to Consumers for Perishable Food and Other Damages Regarding Its Service Outages During the Week of June 12, 2022, Pursuant to O.A.C. 4901:1-10-02(G), AEP's Tariff No. 21 (Original Sheet No. 103-16) and Other Authority and for the PUCO to Waive the 30-Day Limit in AEP's Tariffs for Consumers to Notify AEP of a Damages Claim That Is Based on AEP Negligence by Office of the Ohio Consumers' Counsel, Ohio Poverty Law Center and Pro Seniors, Inc. electronically filed by Ms. Alana M. Noward on behalf of Michael, William J.