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Summary of Utilities' Emergency Plans During Declared Emergency, including Suspension of Non-Residential Disconnections

As you are aware, on March 9, 2020, Governor Mike DeWine declared a state of emergency due to COVID-19. On March 12, 2020, the Public Utilities Commission of Ohio (PUCO) directed public utilities to review their disconnection policies and other practices and promptly seek approval to suspend any requirements that might impose a "service continuity hardship" on "residential and non-residential customers" or create unnecessary risks associated with spreading the virus. The PUCO also encouraged municipalities and cooperatives that are beyond their jurisdiction to take similar actions. Thus, it is our understanding that all utilities will abide by this recommendation and suspend disconnections of non-residential customers for nonpayment during the declared emergency.

In light of the PUCO's directives associated with the declared emergency, most of the large utilities have filed individual emergency plans, which will provide specific guidance to commercial customers, depending on where they are located:

AEP

In AEP's COVID-19 State of Emergency Plan filed on March 17, 2020, AEP temporarily suspended all disconnections for non-residential customers (but because of IT systems in place, customers still may receive a disconnection notice--the notices should be disregarded). AEP is also foregoing customer deposits and reconnection fees for all customers that have been recently disconnected. AEP will not charge late fees to commercial and industrial customers during the declared emergency. AEP also stated that it will temporarily eliminate or offset through a bill credit the minimum billing demand charges for transmission and distribution services for commercial and industrial customers in order to help those commercial customers avoid demand ratchet charges as a consequence of operational curtailments during the declared emergency. Except for deferral authority for various costs, the Plan is deemed effective upon filing.

DP&L

On March 23, 2020, the Dayton Power and Light Company (DP&L) filed to suspend rules that would result in unnecessary social contact or undue hardship for its

customers. DP&L is suspending disconnections for non-residential customers for nonpayment beginning on Friday March 13, 2020. Due to IT changes, customers may still receive notifications for past due collection letters. The disconnection moratorium does not itself prevent service charges from accumulating. Except for deferral authority for various costs, the plan is effective on filing.

Duke Energy Ohio (Electric and Gas)

On March 20, 2020, Duke filed to suspend certain PUCO rule requirements during the COVID-19 emergency, including all disconnections for nonpayment. Duke is also requesting suspension of requirements to make corrections when voltage levels fall below a certain threshold amount, meet minimum customer service levels, and meter testing, inspection, and meter reading rules. Duke is only waiving late fees for residential customers. The Plan is deemed effective upon filing.

Dominion

On March 17, 2020, Dominion filed to suspend all service disconnections for nonpayment and is limiting field activities to emergency response, reconnection, leak repair, and work performed by contractors such as mainline and service installation. Lastly, Dominion intends to suspend automated communication that pertains to inspections and disconnections. Dominion stated additional changes and modifications may follow and the suspensions should not be limited to the information in the motion. The Plan is deemed effective upon filing.

Columbia Gas

On March 18, 2020, Columbia filed a plan to suspend certain rules. Although Columbia did not specifically mention a suspension of disconnection for nonpayment for non-residential customers, we believe that that is Columbia's intent. For example, Columbia requested a "suspension through implication" of rules not identified in their Motion to Suspend that Columbia does not comply with during the emergency. Upon inquiry, Columbia explained to OMAEG Counsel that although they did not suspend disconnections formally in their filing with the PUCO, they have announced publicly that they are suspending all disconnections for nonpayment.

Vectren

On March 24, 2020, Vectren Energy Delivery of Ohio, Inc. (Vectren) filed a motion with the PUCO to suspend certain rules due to Governor DeWine's declaration of a state of emergency. Vectren stated that it suspended all service disconnections for nonpayment. The motion is effective upon filing.

Statewide

Summary of Stakeholders' Comments on Electric Vehicle Charging Service Investigation (Case No. 20-0434-EL-COI)

On February 26, 2020, the PUCO sought comments on whether an entity providing electric vehicle (EV) charging service is a “public utility” subject to the PUCO’s jurisdiction. Stakeholders submitted the following comments:

- **AEP Ohio:** Encouraged the PUCO to open up a rulemaking docket on the issue. Did not take a position on whether the PUCO has jurisdiction over EVs. Regulated electric utilities must work closely with the PUCO to establish rules governing EVs as electric utilities may need to be directly involved to ensure adequate infrastructure for EVs.
- **Duke Energy Ohio:** Stated that EV operators may be public utilities depending on the circumstances. Regulated electric utilities must work closely with the PUCO to establish rules governing EVs as electric utilities may need to be directly involved to ensure adequate infrastructure for EVs.
- **FirstEnergy:** Urged the PUCO to find that EVs are not public utilities.
- **Interstate Gas Supply, Inc.:** Stated that EVs should not be regulated as public utilities due to the nature of the service, the applicable law, and sound public policy.
- **Office of the Ohio Consumers' Counsel:** Argued that EVs should be competitive and not for regulated monopolies to provide.
- **Industrial Energy Users-Ohio:** Stated that EVs are not public utilities because they are largely unavailable to the general public and do not provide the same service in the same manner as traditionally regulated utilities.
- **Alliance for Transportation Electrification:** Explained that EVs do not meet the statutory definition of a “public utility.”
- **Buckeye Power, Inc. and Ohio Rural Electric Cooperatives:** Noted that EVs do not meet the statutory definition of “public utility,” but opined that the PUCO should reserve the right to regulate the service in the future.
- **ChargePoint, Inc.:** Opined that PUCO and Supreme Court of Ohio precedent support that EV operators are not public utilities.

Environmental Advocates: Explained that EVs do not provide the type or nature of service that public utilities provide and are not subject to Commission regulation.

- **Greenlots:** Stated that EVs should be exempt from regulation as a public utility.
- **Ohio Partners for Affordable Energy:** Argued that EV companies do not fit the statutory definition of “electric light company” or “public utility.”
- **Tesla, Inc.:** Asserted that regulating EVCS operators as public utilities harms the public interest.

Reply comments are due on April 7, 2020.

PUCO Adopts Automatic Approval Process for Renewable Portfolio Standard Cases

Summary: On March 25, 2020, the PUCO issued an Order stating that all pending renewable portfolio standard (RPS) compliance cases with a Staff report filed in the docket as of March 26, 2020 will be deemed automatically approved 60 days after the Order. All other RPS compliance cases will be processed under the new rules established in Case No. 12-2156-EL-ORD, et al., which also adopts an automatic approval process.

OPSB Continues to Review Stakeholder Input

Summary: The Ohio Power Siting Board (OPSB) held two stakeholder meetings and will continue to review stakeholder input as the agency proceeds with its 2020 rulemaking. OPSB published summaries of comments received from its [March 10 meeting](#) and [March 11 meeting](#). Stakeholders are encouraged to submit comments via email.

AEP

AEP Amends Emergency Application (Case No. 20-0602-EL-UNC)

Summary: On March 24, 2020, AEP filed an application to amend its emergency plan. For commercial and industrial customers, AEP clarified it will temporarily eliminate or offset through a bill credit minimum billing demand charges for transmission and distribution services. The costs of charges avoided by customers will be added to the financial deferral for future recovery. However, AEP will not seek recovery of any carrying charges on the deferral during the emergency. In addition, AEP seeks to add a funding mechanism to support hospitals in its service territory during the COVID-19 emergency. If the PUCO approves, the funds will come from a \$2.1 million regulatory liability associated with overcollection from the Phase-In-Recovery Rider. Lastly, AEP is restricting field operations to reduce social contact. To prevent commercial and

industrial customers from experiencing demand ratchet charges, AEP will implement self-reported meter readings, subsequent bill adjustments, or another safe work around.

Amendments to AEP Interruptible (IRP) Tariff Agreements

Summary: Although amendments to Interruptible (IRP) agreements were originally due to AEP Ohio by April 1, 2020, AEP has agreed to allow OMAEG members to modify their IRP contracts up through May 15, 2020 to give manufacturers an opportunity to assess the impact of the COVID-19 emergency on their electric load. Members anticipating a change in production and monthly demand should contact John Seryak at jseryak@gosustainableenergy.com.