

Ohio

Public Utilities  
Commission

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Norwalk CT 06854

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BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Expansion of the )  
Electronic Filing Pilot Project and ) Case No. 06-900-AU-WVR  
Waiver of Procedural Rules 4901-1-02 to )  
4901-1-04, Ohio Administrative Code. )

ENTRY

The Commission finds:

- (1) Over the last several years, by entries issued in this docket, the Commission has expanded its initiative to permit the electronic filing of documents via the internet (e-filing) using the Commission's docketing information system (DIS), pursuant to Ohio's Uniform Electronic Transactions Act, Chapter 1306, Revised Code. In this docket, the Commission established procedures for the voluntary participation of parties who agree to conventions for validation of filings and signatures, electronic service of documents, and waiver of certain requirements contained in Chapter 4901-1, Ohio Administrative Code, (O.A.C.). Under the pilot program in this docket, the rules in this chapter have been relaxed, to the extent necessary, to permit the e-filing of certain documents in specific cases.
- (2) Upon review of the pilot program, the Commission now finds that it should be further expanded. Accordingly, the Commission finds that, in order to permit e-filing for all documents in all cases before the Commission, it is necessary for the Commission to waive certain provisions of Chapter 4901-1, O.A.C. Rules 4901-1-02 to 4901-1-04, O.A.C., contemplate the filing of paper or hard copies of applications and other documents and require that filings before the Commission be signed by the filers or their attorneys. Accordingly, in order to effectuate e-filing in all cases, the Commission finds that these rules should be waived and entities utilizing the e-filing option (e-filer) should be permitted to e-file documents rather than file printed or typewritten documents; and submit electronic signatures on e-filed documents. However, all formatting requirements set forth in Chapter 4901-1, O.A.C., should continue to apply to documents that are e-filed.
- (3) The Commission notes that e-filing may be done at any time DIS is available, but acceptance of the filing by the Commission's Docketing Division (Docketing) will be deemed to occur on the

date time-stamped by DIS on the final page of the official document if confirmation occurred during Docketing's normal business hours, or on the next business day if confirmation occurred after normal business hours. Moreover, the Commission emphasizes that utilization of the e-filing option is voluntary; therefore, the e-filer is responsible for ensuring that its documents are timely filed and the e-filer assumes any risks associated with this endeavor.

- (4) Rule 4901-1-02(C), O.A.C., sets forth the number of hard copies that are required for filings. With regard to this paragraph, the Commission finds that, with the exception of those documents set forth in finding (5) below, for those parties utilizing the e-filing option, this paragraph should be waived; however, upon order or request by the Commission, Staff, or the attorney examiner, parties shall provide hard copies of filings.
- (5) While the Commission is willing to entertain further expansion of the e-filing pilot program, we find that in some instances, hard copies of certain documents should be provided in addition to the electronic filing. Therefore, the Commission finds that, pursuant to Rule 4901-1-02(C), O.A.C., e-filers must provide the requisite number of hard copies in accordance with this rule for the applications, attachments, and testimony filed by an applicant in an application:
  - (a) to increase rates (AIR/AEM case code);
  - (b) for a standard service offer (SSO case code); and
  - (c) for alternative regulation (ALT case code).

E-filers should include a cover letter to notify Docketing that the hard copies are of a document which has already been e-filed, and are being submitted only for distribution. Documents for which a motion for protective treatment is sought under Rule 4901-1-24, O.A.C., must not be e-filed. Such documents may be submitted in digital format on compact or video disc, but three hard copies must also be filed in accordance with Rule 4901-1-24(D)(2), O.A.C.

- (6) In order to e-file in cases before the Commission, a person must complete a participation agreement. A copy of the participation agreement is posted on the DIS website (<http://dis.puc.state.oh.us/>) under the e-filing information link. The person requesting to be an e-filer should submit a completed

participation agreement to Docketing via fax, hardcopy, or electronically, obtain a username and password, and submit an e-filing profile following the instructions posted on the DIS website. After the participation agreement is received by Docketing and the filer's profile is approved, the person may begin e-filing. E-filers will be able to log-in to a secure website and submit PDF and other files. The PDF file will be time and date stamped by the system and will function as the official filing. Filings submitted after 5:30 p.m. will, if accepted, be deemed filed on the following business day. Filers will use "/s/" followed by the signer's name to indicate a signature where applicable. E-filers will also be required to comply with any other technical requirements posted on the DIS website.

- (7) The Commission also notes that the expansion of the e-filing pilot program in no way negates or changes any statutory requirements that an applicant must serve hard copies of an application on governmental entities.
- (8) Finally, as noted in the initial entries in the annual report cases (See, e.g., the March 9, 2011 Entry in Case No. 11-01-EL-RPT), the Commission expects all regulated entities to subscribe to the appropriate industry electronic mail listserve(s), and take appropriate actions to ensure that electronic mail service from the Commission is not blocked or disabled. In addition, multiple addresses should be subscribed to ensure that service is completed. If an entity is unable to be served via electronic mail, such entity should contact Docketing at (614) 466-4095 to ensure that service of paper copies will continue to be made via regular mail.

It is, therefore,

ORDERED, That the e-filing pilot program be expanded and the provisions of Chapter 4901-1, O.A.C., be waived to the extent set forth herein. It is, further,

ORDERED, That Rule 4901-1-02(C), O.A.C., not be waived to the extent set forth in finding (5), thus, applicants and petitioners shall comply with the requirements of said paragraph. It is, further,

ORDERED, That, in order to e-file in cases before the Commission, parties must submit a participation agreement, in accordance with finding (6). It is, further,

ORDERED, That applicants comply with finding (7). It is, further,

ORDERED, That all regulated entities comply with finding (8). It is, further,

ORDERED, That notice of this entry be served electronically upon all regulated entities via the Commission's agenda and industry listserves, or by hard copy via mail where appropriate, and upon all other interested persons of record.


THE PUBLIC UTILITIES COMMISSION OF OHIO

  
Todd A. Shitchler, Chairman

  
Paul A. Centolella

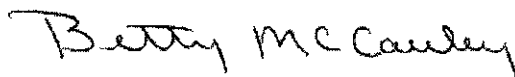
  
Steven D. Lesser

  
Andre T. Porter

  
Cheryl L. Roberto

RMB/CMTP/dah

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Betty McCauley  
Secretary