

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Commission's Review )  
of Chapter 4901-7 Ohio Administrative ) Case No. 12-2338-AU-ORD  
Code, Standard Filing Requirements for )  
Rate Increases. )

ENTRY

The Legal Director finds:

- (1) Section 119.032, Revised Code, requires all state agencies to conduct a review, every five years, of their rules and to determine whether to continue their rules without change, amend their rules, or rescind their rules. All applications filed pursuant to Chapter 4901-7, Ohio Administrative Code (O.A.C.), including applications for an increase in rates filed under Section 4909.18, Revised Code, all complaints filed under Section 4909.34, Revised Code, and all petitions filed by a public utility under Section 4909.35, Revised Code, should conform to the standard filing requirements as set forth in appendix A to this rule.
- (2) Section 119.032(C), Revised Code, requires the Commission to determine whether:
  - (a) The rules should be continued without amendment, be amended, or be rescinded, taking into consideration the purpose, scope, and intent of the statute(s) under which the rules were adopted;
  - (b) The rules need amendment or rescission to give more flexibility at the local level;
  - (c) The rules need amendment or rescission to eliminate unnecessary paperwork, or whether the rule incorporates a text or other material by reference and, if so, whether the text or other material incorporated by reference is deposited or displayed as required by Section 121.74, Revised Code, and whether the incorporation by reference

meets the standards stated in Sections 121.71, 121.75, and 121.76, Revised Code; and

- (d) The rules duplicate, overlap with, or conflict with other rules.
- (3) In addition, on January 10, 2011, the governor of the state of Ohio issued Executive Order 2011-01K, entitled "Establishing the Common Sense Initiative," which sets forth several factors to be considered in the promulgation of rules and the review of existing rules. Among other things, the Commission must review its rules to determine the impact that a rule has on small businesses; attempt to balance properly the critical objectives of regulation and the cost of compliance by the regulated parties; and amend or rescind rules that are unnecessary, ineffective, contradictory, redundant, inefficient, or needlessly burdensome, or that have had negative unintended consequences, or unnecessarily impede business growth.
- (4) Additionally, in accordance with Section 121.82, Revised Code, in the course of developing draft rules, the Commission must conduct a business impact analysis regarding the rules. If there will be an adverse impact on business, as defined in Section 107.52, Revised Code, the agency is to incorporate features into the draft rules to eliminate or adequately reduce any adverse impact. Furthermore, the Commission is required, pursuant to Section 121.82, Revised Code, to provide the Common Sense Initiative (CSI) office the draft rules and the business impact analysis. The Commission is to consider any recommendations made by CSI with regard to the draft rules and provide CSI with a memorandum explaining either how CSI's recommendations were incorporated into the rules or why the recommendations were not incorporated into the rules.
- (5) The Commission has considered the current rule review procedures and revised them to incorporate the new CSI process. As part of our new procedures, the Commission finds that, prior to issuing Staff's proposed revisions to the rules for comment, it is appropriate to require Staff to hold a workshop with interested stakeholders. At the workshop, Staff will elicit feedback on any proposed revisions to the rules which Staff may have and stakeholders are encouraged to propose their own revisions to the rules for Staff's consideration. Interested

stakeholders should come to the workshop prepared with necessary technical experts to provide appropriate feedback. Written handouts are encouraged. After Staff has an opportunity to consider the feedback received at the workshop, proposed rule amendments will be issued for comments and reply comments by interested parties.

- (6) Accordingly, the Commission finds that, at this time, a workshop should be scheduled for September 27, 2012, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, Hearing Room 11-B, Columbus, Ohio. The workshop is intended as an opportunity for Staff to receive feedback from interested stakeholders prior to issuing draft rules and the formal comment period. Any interested stakeholder that does not participate in the workshop may file formal comments with the Commission once the draft rules have been issued.

It is, therefore,

ORDERED, That, in accordance with finding (6), a workshop be scheduled for September 27, 2012. It is, further,

ORDERED, That a notice or copy of this entry be served upon all regulated utilities in the state of Ohio, as well as all parties of record in Case No. 08-558-AU-ORD.

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/ Elizabeth C. Stevens

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By: Elizabeth C. Stevens  
Legal Director

jrj/vrm

**This foregoing document was electronically filed with the Public Utilities**

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**Case No(s). 12-2338-AU-ORD**

Summary: Entry scheduling workshop for September 27, 2012, at 10:00 a.m. electronically filed by Vesta R Miller on behalf of Elizabeth C. Stevens, Legal Director, Public Utilities Commission of Ohio