

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Amendment of Rule)
4901:1-15-35, Ohio Administrative Code, to) Case No. 13-234-WS-ORD
Implement Revisions to Section 4909.172,)
Revised Code.)

ENTRY

The attorney examiner finds:

- (1) On December 20, 2012, Governor John Kasich signed into law Substitute House Bill 379 that, *inter alia*, permitted waterworks and sewage disposal system companies certain rate calculation adjustments, modified the provisions regarding water and sewer infrastructure improvement surcharges, and altered language regarding utility requirements for when rate increases may take effect in the absence of administrative action. This proceeding has been opened specifically to review Rule 4901:1-15-35, Ohio Administrative Code (O.A.C.), and the appendices thereto, in light of the modifications to the water and sewer infrastructure improvement surcharges statute, Section 4909.172, Revised Code.
- (2) On January 10, 2011, Governor Kasich 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.
- (3) 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.

- (4) The Commission has considered the current rule review procedures and revised them to incorporate the new CSI process. As part of the new procedures, the attorney examiner finds that, prior to issuing Staff's proposed revisions to Rule 4901:1-15-35, O.A.C., and the appendices thereto, for comment, it is appropriate to hold a workshop with interested stakeholders. At the workshop, Staff will elicit feedback on proposed revisions to Rule 4909:1-15-35, O.A.C., and the appendices thereto, which Staff may have and stakeholders are encouraged to propose their own revisions to the rule 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 amendments to Rule 4901:1-15-35, O.A.C, and the appendices thereto, will be issued for comments and reply comments by interested parties.
- (5) Accordingly, the attorney examiner finds that, at this time, a workshop should be scheduled for February 15, 2013, 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 proposed modifications to Rule 4901:1-15-35, O.A.C., 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 rule has been issued.

It is, therefore,

ORDERED, That, in accordance with finding (5), a workshop be scheduled for February 15, 2013. It is, further,

ORDERED, That a notice or copy of this entry be served upon all regulated waterworks and sewage disposal system companies in the state of Ohio, the Office of the Ohio Consumers' Counsel, and the Water industry service list.

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/ Jeffrey R. Jones

By: Jeffrey R. Jones
Attorney Examiner

sef/dah

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in

Case No(s). 13-0234-WS-ORD

Summary: Attorney Examiner Entry to schedule a workshop for February 15, 2013, in the matter of the amendment of Rule 4901:1-15-35, to implement revisions to Section 4909.172, Revised Code; electronically filed by Debra Hight on behalf of Jeffrey R. Jones, Attorney Examiner, Public Utilities Commission of Ohio.