

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Adoption of Chapter)
4901:1-3, Ohio Administrative Code,) Case No. 13-579-AU-ORD
Concerning Access to Poles, Ducts,)
Conduits, and Rights-of-Way by Public)
Utilities.)

ENTRY

The Commission finds:

- (1) Utility pole attachments and conduit occupancy are subject to the provisions of Sections 4905.51 and 4905.71, Revised Code. The Commission's current rule on pole attachments and conduit occupancy is found in Rule 4901:1-7-23, Ohio Administrative Code (O.A.C.).
- (2) The Commission is considering adopting a new chapter of rules, in Chapter 4901:1-3, O.A.C., specifically dedicated to access to poles, ducts, conduits, and rights-of-way provided by public utilities.
- (3) 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 any proposed 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 the proposed rules for comment, it is appropriate to require Commission Staff (Staff) to hold a workshop with interested stakeholders. At the workshop, Staff should provide an overview of the proposed rules and elicit feedback on the proposed rules. Additionally, Staff may permit stakeholders 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. 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 April 17, 2013, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, Hearing Room 11-B, Columbus, Ohio, to consider the proposed rules in Chapter 4901:1-3, O.A.C. The workshop will be transcribed. To allow broader access to the workshop, it will be webcast. Persons wishing to view the workshop via the web should access the Commission's website at www.puco.ohio.gov and select Webcasts. The workshop is intended as an opportunity for Staff to receive feedback from interested stakeholders before it issues draft rules and opens them up for formal comment. Any interested stakeholder that cannot or does not choose to 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 April 17, 2013. It is, further,

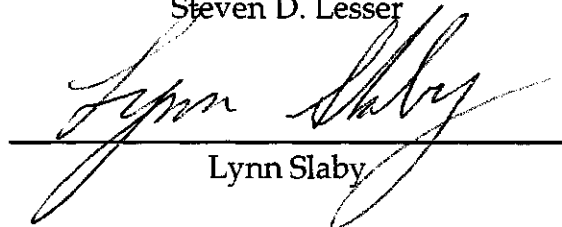
ORDERED, That a copy of this entry be served upon all investor-owned electric utilities in the state of Ohio, all incumbent local exchange telephone companies in the state of Ohio, the Ohio Telecom Association, and the Ohio Cable Telecommunications Association, and that notice of this entry be served via the Electric-Energy, Gas-Pipeline, Telephone, and Water industry list-serves.

THE PUBLIC UTILITIES COMMISSION OF OHIO


Todd A. Snitchler, Chairman


Steven D. Lesser

Andre T. Porter

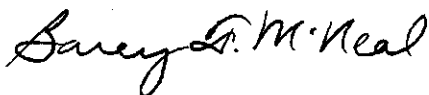

Lynn Slaby

M. Beth Trombold

JRJ/vrm

Entered in the Journal

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Barcy F. McNeal
Secretary