

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Commission's Review)
of its Rules in Chapter 4901:1-16, Ohio) Case No. 13-2237-GA-ORD
Administrative Code, Regarding Gas)
Pipeline Safety.)

ENTRY

The Commission finds:

- (1) Chapter 4901:1-16, Ohio Administrative Code (O.A.C.), contains rules for delineating the gas pipeline safety (GPS) requirements in Ohio, as well as the means for administering and enforcing those requirements.
- (2) 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. At this time, the Commission is reviewing the GPS rules contained in Chapter 4901:1-16, O.A.C.
- (3) Section 119.032(C), Revised Code, requires that the Commission determine:
 - (a) Whether the rules should be continued without amendment, be amended, or be rescinded, taking into consideration the purpose, scope, and intent of the statute under which the rules were adopted;
 - (b) Whether the rules need amendment or rescission to give more flexibility at the local level;
 - (c) Whether the rules need amendment to eliminate unnecessary paperwork; and
 - (d) Whether the rules duplicate, overlap with, or conflict with other rules.
- (4) 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 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.

- (5) Further, pursuant to Section 121.82, Revised Code, in the course of developing draft rules, the Commission must evaluate the rules against the business impact analysis. If there will be an adverse impact on businesses, 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.
- (6) 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 be considering and permit stakeholders to propose revisions to the rules for Staff's consideration. Interested stakeholders should come to the workshop prepared with the necessary technical experts to provide appropriate feedback. An attorney examiner from the Commission's legal department will serve as a moderator for the workshop. 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 stakeholders.
- (7) Accordingly, the Commission finds that a workshop should be scheduled for January 16, 2014, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 11th Floor, Hearing

Room B, Columbus, Ohio. 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 web site at www.puco.ohio.gov and click on Webcasts.

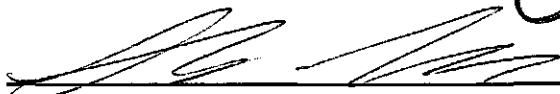
It is, therefore,

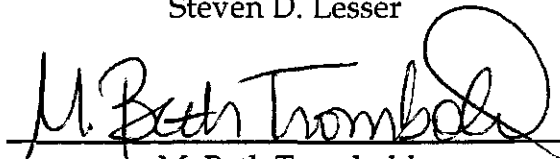
ORDERED, That a workshop be scheduled for January 16, 2014, as indicated in Finding (7). It is, further,

ORDERED, That an electronic notice or paper copy of this entry be sent to the gas-pipeline industry list-serve, all regulated gas and natural gas companies in the state of Ohio, all competitive retail gas suppliers, the Ohio Gas Association, the Ohio Oil and Gas Association, the Ohio Petroleum Council, and Ohio Consumers' Counsel.

THE PUBLIC UTILITIES COMMISSION OF OHIO


Todd A. Snitchler, Chairman


Steven D. Lesser


M. Beth Trombold

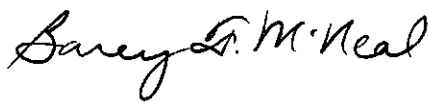
Lynn Slaby



Asim Z. Haque

GNS/vrm

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Barcy F. McNeal
Secretary