

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Commission's)
Review of Chapter 4901:1-25 of the Ohio) Case No. 12-2053-EL-ORD
Administrative Code, Regarding Market)
Monitoring.)

ENTRY

The Commission finds:

- (1) R.C. 119.032 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. The rules in Ohio Adm.Code Chapter 4901:1-25 govern market monitoring.
- (2) R.C. 119.032(C) 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 - (a) The rules should be continued without amendment, be amended, or be rescinded, taking into consideration the purpose, scope, and intent of the statute(s) under which the rules were adopted: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 R.C. 121.74, and whether the incorporation by reference meets the standards stated in R.C. 121.71, 121.75, and 121.76; 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 R.C. 121.82 in the course of developing draft rules, the Commission must evaluate the rules against business impact analysis. If there will be an adverse impact on businesses, as defined in R.C. 107.52, the agency is to incorporate features into the draft rules to eliminate or adequately reduce any adverse impact.
- (5) In making its review, an agency is required to consider the continued need for the rules, the nature of any complaints or comments received concerning the rules, and any factors that have changed in the subject matter area affected by the rules. The Commission staff has evaluated the rules contained in Ohio Adm.Code Chapter 4901:1-25 and recommends no changes to the rules.
- (6) An agency must also demonstrate that it has included stakeholders in the development of the rule, that it has evaluated the impact of the rule on businesses, and that the purpose of the rule is important enough to justify the impact. The agency must seek to eliminate excessive or duplicative rules that stand in the way of job creation.
- (7) By entry issued on July 11, 2012, the Commission scheduled a workshop at the offices of the Commission on August 17, 2012, to elicit feedback on any proposed revisions to the rules that stakeholders may have. At the workshop, stakeholders were permitted to propose their own revisions to the rules for Staff's consideration. The workshop was held as scheduled on August 17, 2012.
- (8) Staff has evaluated the rules contained in Ohio Adm.Code Chapter 4901:1-25 and proposes revisions to the rules. A copy of the rules in Ohio Adm.Code Chapter 4901:1-25, as well as the business impact analysis, is attached to this entry.

- (9) In order to avoid needless production of paper copies, the Commission will serve a paper copy of just the entry and will make the rules in Ohio Adm.Code Chapter 4901:1-25, as well as the business impact analysis available online at: www.puco.ohio.gov/puco/rules. All interested persons may download the proposed rules and the business impact analysis from the above website, or contact the Commission's Docketing Division to be sent a paper copy.
- (10) The Commission requests comments from interested persons to assist in the review required by R.C. 119.032(C) and Executive Order 2011-01K. Comments on the draft rules and/or on the business impact analysis should be filed, either via electronic filing or in hard copy, by February 26, 2014. Reply comments should be filed by March 13, 2014.

It is, therefore,

ORDERED, That all interested persons shall have until February 26, 2014, to file comments to the proposed rule changes and until March 13, 2014, to file reply comments. It is, further,

ORDERED, That a copy of this entry with the attached rules and business impact analysis be submitted to CSI in accordance with R.C. 121.82. It is, further,

ORDERED, That an electronic notice or paper copy of this entry without the attached rules or business impact analysis be served upon all electric utilities in the state of Ohio, all certified competitive retail electric service providers in the state of Ohio, the Electric-Energy industry list-serve, and all other interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

Todd A. Snitchler, Chairman

Steven D. Lesser

Lynn Slaby

M. Beth Trombold

Asim Z. Haque

BAM/dah

Entered in the Journal

JAN 29 2014

Barcy F. McNeal

Barcy F. McNeal
Secretary

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4901:1-25-01 Definitions.

As used in this chapter:

- (A) "Affiliate" shall have the meaning set forth in rule 4901:1-20-16 of the Administrative Code.
- (B) "Aggregation service" means the act of combining the electric load of multiple customers for the purposes of supplying or arranging for the supply of competitive retail electric generation service to those customers.
- (C) "Aggregator" means a person who provides aggregation service.
- (D) "Certified competitive electric cooperative" means a not-for-profit electric light company that both is or has been financed in whole or in part under the "Rural Electrification Act of 1936," 49 Stat. 1363, 7 U.S.C. 901, and owns or operates facilities in this state to generate, transmit, or distribute electricity, or a not-for-profit successor of such company, which has been certified by the commission to be a competitive retail electric service provider in accordance with the provisions of section 4928.08 of the Revised Code.
- (E) "Commercial customer" means a nonresidential, nonindustrial customer.
- (F) "Commission" means the public utilities commission of Ohio.
- (G) "Competitive retail electric service" (CRES) shall have the meaning set forth in division (A)(4) of section 4928.01 of the Revised Code.
- (H) "Customer" for the purpose of this chapter shall have the same meaning as it has in the distribution tariff of the electric utility serving the customer.
- (I) "Distributed generation" means any generation facility interconnected to a utility distribution system, including facilities that generate electricity.
- ~~(H)~~(J) "Electric utility" shall have the meaning set forth in division (A)(11) of section 4928.01 of the Revised Code.
- ~~(H)~~(K) "Electric services company" shall have the meaning set forth in division (A)(9) of section 4928.01 of the Revised Code.
- ~~(K)~~(L) "Governmental aggregator" shall have the meaning set forth in division (A)(13) of section 4928.01 of the Revised Code. In accordance with division (F) of section 4928.20 of the Revised Code, a governmental aggregator is not a public

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utility engaging in the wholesale purchase and resale of electricity, and provision of the aggregation service is not a wholesale utility transaction.

(M) "Green pricing program" shall have the meaning as set forth in rule 4901:1-42-01 of the Administrative Code.

~~(L)~~(N) "Independent power producer" means an owner of generation who sells at least a portion of the electric energy from that generation at retail.

~~(M)~~(O) "Industrial customers" means establishments categorized under standard industrial classification codes 01 through 39, or the associated 1997 North American industry classification system codes 11, 21, 23, 31, 32, and 33.

~~(N)~~(P) "Interconnection applicant" shall have the same meaning as "applicant" in paragraph (A) of rule 4901:1-22-01 of the Administrative Code.

~~(O)~~(Q) "Interconnection application" shall have the same meaning as "application" in paragraph (B) of rule 4901:1-22-01 of the Administrative Code.

~~(P)~~(R) "Ohio certificate number" means the authorized identification number of an approved certification to provide a CRES as granted to the provider by the commission in accordance with the provisions of section 4928.08 of the Revised Code.

~~(Q)~~(S) "Power marketer" means a person, certified by the commission, who provides power marketing services.

~~(R)~~(T) "Power marketing" means assuming the contractual and legal responsibility for the sale and provision of competitive retail electric generation service to a retail customer in this state and having title to electric power at some point during the transaction.

~~(S)~~(U) "Reporting entity" means the electric utility or the certified competitive retail electric service provider filing market monitoring information on a regularly scheduled basis as required by the commission.

~~(T)~~(V) "Residential customers" means customers who consume electricity at private residences, whether owned or rented, including single family homes, multifamily housing units that are individually metered, and mobile homes only for personal use. Institutional housing, such as school dormitories, hospitals, and military barracks are included in the commercial sector.

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~~(U)~~(W) "Special contract customer" means a customer taking bundled service under a contract approved by the commission.

~~(V)~~(X) "Street lighting and other customer" means a customer purchasing electric generation service for purposes of street and highway lighting.

~~(W)~~(Y) "Standard service offer" means a standard service offer filed with the commission by an electric utility under section 4928.141 of the Revised Code, of all CRES necessary to maintain essential electric service to consumers, including a firm supply of electric generation service priced.

4901:1-25-02 Market monitoring - reporting requirements.

(A) Each electric utility, and each electric services company, electric cooperative, and governmental aggregator subject to certification under section 4928.08 of the Revised Code shall submit market monitoring data to the commission or its staff, on forms to be issued by the commission, as follows:

(1) Each electric utility, certified electric services company (power marketer, power broker, nongovernmental aggregator, and independent power producer), certified electric cooperative and certified governmental aggregator shall file a quarterly report ~~that~~^{which} contains information ~~that includes~~^{including}, but is not limited to, the following:

(a) Entity name.

(b) Business address.

(c) Name and title of the person responsible for submitting the market monitoring data required by this rule.

(d) Authorized signature.

(e) The address, telephone number, fax number, and e-mail address of the person responsible for customer enrollment.

~~(f) Those reporting entities that file quarterly transaction reports with the federal energy regulatory commission (FERC) should submit a copy of, or an internet link to, its current FERC quarterly transaction report to the commission in the same form that it filed the report with the FERC.~~

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- ~~(g) Appended to a reporting entity's first quarterly report for each calendar year, a copy of, or an internet link to, the reporting entity's most recent securities and exchange commission form 10-K or the 10-K of the controlling owner of the reporting entity.~~
- (2) Each electric utility shall file on a quarterly basis monthly data related to electric generation services. The information contained in this report shall include, but not be limited to, the following:
- (a) For those customers for whom the entity provides generation service: The number of customers, the amount of sales in megawatt hours, and the amount of billed revenues. The reporting entity shall report this data by rate schedule and by customer class (residential, commercial, industrial, or street lighting/other) and by subclass, if applicable separately for standard service offer customers and for special contract customers.
 - (b) Monthly system peak data identifying the number of megawatts, the peak day of the month, the peak day of the week, and the peak hour of the month.
 - (c) Information about generation resources owned by retail customers and connected to its distribution system, regardless of the voltage at which they are interconnected; all generation resources connected at a distribution voltage, which were interconnected as a result of an interconnection application; and all resources owned by the utility and interconnected at a distribution voltage, which but for such ownership would have been subject of an interconnection applicant. ~~application by an interconnection application. This information shall be reported annually, as an attachment to the electric utility's fourth quarter market monitoring report. The report shall include the data as of the end of the calendar year.~~ The report shall include the following information:
 - (i) A list of generating units.
 - (ii) A statement of whether each generating unit is owned by an end use customer, by the electric utility, by an affiliate of the electric utility, or by a nonaffiliated entity that is not an end use customer.
 - (iii) A statement of whether or not the generator is dispatched by the control area operator or by the owner.

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- (iv) The nameplate capacity of the generator, in megawatts or kilowatts.
 - (v) The fuel type used by each generating unit.
 - (vi) The technology type of generating unit (e.g., fuel cell, turbine, diesel, photovoltaic, etc.).
- (d) Notice to staff of any and all interconnection applications by interconnection applicants seeking to become interconnection service customers, where such applications have not yet resulted in interconnection (that is, applications that are under consideration). The required notice shall be in the form of a narrative report attached to the quarterly market monitoring report that is required by this rule and submitted on a quarterly basis. The narrative report shall include the following information:
- (i) Name and contact information of the electric utility employee who is directly responsible for processing the interconnection application and/or interacting with the interconnection applicant.
 - (ii) Description of each interconnection request in terms of the amount and type of generation for which interconnection is being sought, and the location of the proposed interconnection.
 - (iii) Copies of any and all written notices required by paragraphs (B)(4) and (B)(5) of rule 4901:1-22-04 of the Administrative Code.
 - (iv) Description of the status of each interconnection application in terms of process steps that have been completed, process steps that remain to be completed, and any progress or lack thereof in addressing issues.

The status of each completed interconnection application shall be updated in subsequent quarterly narrative reports by describing any modifications to the interconnection application, any meetings that may have occurred, and any correspondence or communications that have occurred between the electric utility and the interconnection applicant.

The electric utility shall provide to each interconnection applicant a copy of the section of the quarterly report required by paragraph (A)(2)(d) of

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this rule, which contains information describing that interconnection applicant's interconnection application.

- (e) For those customers for whom the entity provides generation service: The number of customers participating in utility green pricing programs and the volume of participation in such programs in megawatt hours, reported by customer class.
- (f) The electric utility shall include in its quarterly reporting of monthly data related to electric generation the reporting requirements set forth in Rules 4901:1-10-28(B)(14) and 4901:1-10-34(M) of the Administrative Code.
- (3) Each certified electric services company, certified electric cooperative, and certified governmental aggregator shall submit to staff on a quarterly basis monthly data related to competitive electric generation services. The reporting entity shall submit this information separately for each electric utility's service territory in which it does business. The information contained in this report shall include, but not be limited to, the following:

 - (a) Identity of the reporting entity including their competitive retail electric service (CRES) certificate number.
 - (b) For those customers for whom the entity provides generation service: The number of customers, the amount of sales in megawatt hours. The reporting entity shall report this data by ~~rate schedule~~customer class (residential, commercial, industrial, or street lighting/other) and by subclass, if applicable.
 - (c) For those customers for whom the entity provides generation service total billed revenues. The reporting entity shall report this data by ~~rate schedule~~customer class (residential, commercial, industrial, or street lighting/other) and by subclass, if applicable.
 - (d) For those customers for whom the entity provides generation service: The number of customers participating in CRES-offered green pricing programs and the volume of participation in such programs in megawatt hours, reported by customer class.
- (4) Each certified aggregator and certified governmental aggregator shall submit to staff on a quarterly basis monthly data related to aggregation

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activity. The reporting entity shall submit this information separately for each electric utility's service territory in which it does business. The information contained in this report shall include, but not be limited to, the following:

- (a) The identity of the aggregator including its CRES certificate number.
 - (b) The electric utility's service territory for which the report is being made.
 - (c) The name of each aggregated group.
 - (d) The number of customers by customer class in each aggregated group.
 - (e) The total number of customers in each aggregated group.
 - (f) The total number of all customers by customer class.
 - (g) The total number of customers.
- (5) The information contained in the reports provided to the commission and/or staff pursuant to paragraph (A) of this rule shall be treated in the following manner:
- (a) Any information filed pursuant to paragraphs (A)(1) and (A)(2)(a) to (A)(2)(c) of this rule shall be deemed to be public information.
 - (b) Any information filed pursuant to paragraphs (A)(2)(d), (A)(3), and (A)(4) of this rule shall be deemed to be confidential information, unless and until the interconnection applicant or customer owner may make, or agree to make, such information public.
- (B) Pursuant to Chapter 4935- and division (E) of section 4928.02 of the Revised Code, any entity that owns or has an affiliate that owns electric transmission or distribution facilities shall provide or cause to be provided to the commission and to staff cost-effective and efficient access to information regarding the operation of the transmission or distribution systems of electric utilities to assist in determining the existence and extent of a transmission constrained area, and to information that may assist the commission or staff in determining the impact of transmission constraints on the price of a competitive retail electric service. Each entity that owns or that has an affiliate that owns electric transmission or distribution facilities shall provide or cause to be provided to the commission and staff a report of any denials of service for either transmission or distribution

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service due to constraints in the transmission or distribution system, the amounts of energy curtailed or denied, the duration of these curtailments or denials, and the reasons why the service was denied. These reports shall be provided to the commission and to staff ~~semiannually~~annually with the ~~second and fourth~~third quarterly reports filed pursuant to paragraph (A)(1) of this rule.

- (C) Nothing in this rule shall limit the ability of the commission, or staff, to collect additional data from any electric distribution utility or any electric utility, electric services company, electric cooperative, or governmental aggregator subject to certification under section 4928.08 of the Revised Code in carrying out the commission's responsibilities under Chapter 4928- of the Revised Code.
- (D) The commission may, upon an application or a motion filed by a party, waive any requirement of this chapter, other than a requirement mandated by statute, for good cause shown.

CSI - Ohio

The Common Sense Initiative

Business Impact Analysis

Agency Name:	Public Utilities Commission of Ohio (PUCO)
	Attention: Angela Hawkins, Legal Director
	Phone: 614-466-0122 Fax: 614-728-8373
	Angela.Hawkins@puc.state.oh.us
Regulation/Package Title:	Market Monitoring
Rule Number(s):	Ohio Adm.Code Chapter 4901:1-25
	4901:1-25-01; 4901:1-25-02
Date:	January 29, 2014
Rule Type:	
	<input type="checkbox"/> New
	<input checked="" type="checkbox"/> Amended
	<input checked="" type="checkbox"/> 5-Year Review
	<input type="checkbox"/> Rescinded

The Common Sense Initiative was established by Executive Order 2011-01K and placed within the Office of the Lieutenant Governor. Under the CSI Initiative, agencies should balance the critical objectives of all regulations with the costs of compliance by the regulated parties. Agencies should promote transparency, consistency, predictability, and flexibility in regulatory activities. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

Regulatory Intent

1. Please briefly describe the draft regulation in plain language. Please include the key provisions of the regulation as well as any proposed amendments.

The proposed revisions to the rules in Ohio Adm.Code Chapter 4901:1-25 are in accordance with the State of Ohio's 5-year rule review procedures. R.C. 119.032 requires all state agencies to conduct a review, every five years, of their rules and to determine whether to

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continue their rules without change, amend their rules, or rescind their rules. The rules in Ohio Adm.Code Chapter 4901:1-25 set forth the provisions for Commission market monitoring. The proposed revisions to Ohio Adm.Code Chapter 4901:1-25 would update the Commission's policies regarding the reporting requirements for essential monitoring of Ohio's retail electric market.

2. Please list the Ohio statute authorizing the Agency to adopt this regulation.

The amendments to the rules in Ohio Adm.Code Chapter 4901:1-35 are in response to R.C. 119.032, which requires all state agencies to conduct a review, every five years, of their rules and to determine whether to continue the rules without change, with amendments, or with rescissions. The statutory authority for the rules is R.C. 4928.06. R.C. 4928.06 specifically states that beginning on the starting date of competitive retail electric service, the Commission shall ensure that the policy specified in R.C. 4928.02 is effectuated. These rules permit the Commission to monitor the competitive retail electric market in Ohio to determine if the policy in R.C. 4928.02 is being effectuated and that effective competition exists.

3. Does the regulation implement a federal requirement? Is the proposed regulation being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal law or to participate in a federal program?

If yes, please briefly explain the source and substance of the federal requirement.

This regulation implements state requirements. It does not implement a federal requirement. The state statutory authority for the rules is R.C. 4928.06.

4. If the regulation includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.

The regulation does not contain provisions specifically required by the federal government. The rationale for the rules is to implement the statutory provisions adopted by the General Assembly in R.C. 4928.06.

5. What is the public purpose for this regulation (i.e., why does the Agency feel that there needs to be any regulation in this area at all)?

The rules contained in this chapter are intended to implement R.C. 4928, specifically R.C. 4928.06. The Commission believes that this regulation is necessary for the Commission to determine how Ohio's competitive retail electric market is functioning and to determine whether effective competition exists.

6. How will the Agency measure the success of this regulation in terms of outputs and/or outcomes?

The Commission will measure the success of these rules in terms of whether filings are being made on time, with all of the required information. Ohio Adm.Code Chapter 4901:1-25 specifically enables the Commission to measure the success of all of its regulations, as well as the regulations in the Revised Code.

Development of the Regulation

7. Please list the stakeholders included by the Agency in the development or initial review of the draft regulation. *If applicable, please include the date and medium by which the stakeholders were initially contacted.*

The Commission conducted a workshop on July 16, 2012, at the offices of the Commission to receive feedback from interested stakeholders and the general public. The case number for the commission's review of Ohio Adm.Code 4901:1-25 is 12-2053-EL-ORD. The entry providing notice of the workshop was served upon all investor-owned electric utilities in the state of Ohio, all certified competitive retail electric service providers in the state of Ohio, the Electric-Energy industry list-serve, and any other interested persons.

8. What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?

Stakeholders provided general comments on the rules at the workshop. However, further stakeholder input will be considered subsequent to the comment and reply comment period.

9. What scientific data was used to develop the rule or the measurable outcomes of the rule? How does this data support the regulation being proposed?

No scientific data was used to develop Staff's proposal. However, Staff reviewed the existing reports filed pursuant to the rules and used its experience with the rules for the development of its proposals.

10. What alternative regulations (or specific provisions within the regulation) did the Agency consider, and why did it determine that these alternatives were not appropriate? If none, why didn't the Agency consider regulatory alternatives?

The Commission did not consider regulatory alternatives; the Commission believes that the rules and revisions in Ohio Adm.Code Chapter 4901:1-25 are necessary for the

implementation of R.C. 4928. The Commission will consider the regulatory alternatives proposed by stakeholders in the Commission's comment and reply comment period.

Additionally, the Commission notes that Ohio Adm.Code Chapter 4901:1-25-02(D) indicates that the Commission may, upon an application or a motion filed by a party, waive any requirement of the chapter, other than a requirement mandated by statute, for good cause shown.

11. Did the Agency specifically consider a performance-based regulation? Please explain. *Performance-based regulations define the required outcome, but don't dictate the process the regulated stakeholders must use to achieve compliance.*

The regulations in Ohio Adm.Code Chapter 4901:1-25 both define the required outcome and dictate the process for filing reports. The rules define the reports that must be filed with the Commission so that the Commission can adequately and effectively monitor Ohio's retail electric market. The rules also dictate the process of filing the reports and the requirements for compliance with the Commission's market monitoring rules.

12. What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation?

The Commission has reviewed other Ohio regulations and found no duplicate.

13. Please describe the Agency's plan for implementation of the regulation, including any measures to ensure that the regulation is applied consistently and predictably for the regulated community.

Upon completion of the rulemaking process, the rule changes made in Ohio Adm.Code Chapter 4901:1-25 will be attached to the Commission's finding and order and served upon all investor-owned electric utilities in the state of Ohio, all certified competitive retail electric service providers in the state of Ohio, the Electric-Energy industry list-serve, and any other interested persons.

Adverse Impact to Business

14. Provide a summary of the estimated cost of compliance with the rule. Specifically, please do the following:

- a. Identify the scope of the impacted business community;

Ohio Adm.Code 4901:1-25-02 indicates that the rules in Ohio Adm.Code Chapter 4901:1-25 apply to each electric utility, electric services company, electric cooperative, and governmental aggregator subject to certification under R.C. 4928.08.

b. Identify the nature of the adverse impact (e.g., license fees, fines, employer time for compliance); and

The proposed revisions were drafted in an effort to minimize any adverse impact on business, while implementing the provisions of R.C. 4928 and promoting the policies of the state of Ohio in R.C. 4928.02. There are no license fees, fines, or fee schedules contained in the rules. However, the Commission recognizes that compiling reports and filing them with the Commission may require time for compliance. However, the Commission has drafted the rules in an effort to streamline the reporting process to decrease the amount of time necessary to compile and file the reports, and has tried to decrease any costs that may be imposed to comply with Ohio Adm.Code Chapter 4901:1-25.

c. Quantify the expected adverse impact from the regulation. *The adverse impact can be quantified in terms of dollars, hours to comply, or other factors; and may be estimated for the entire regulated population or for a “representative business.” Please include the source for your information/estimated impact.*

The Commission has identified no adverse impact to be expected from the rules in Ohio Adm.Code Chapter 4901:1-25 or Staff’s proposed revisions to the rules. The rules provide the Commission with data and reports to effectively monitor the competitive retail electric market in Ohio.

15. Why did the Agency determine that the regulatory intent justifies the adverse impact to the regulated business community?

The Commission does not believe that these rules provide an adverse impact on business, and if any adverse impact does exist, it is justified by the regulatory requirement to comply with the R.C. 4928.06 and the policy of R.C. 4928.02.

Regulatory Flexibility

16. Does the regulation provide any exemptions or alternative means of compliance for small businesses? Please explain.

The rules in Ohio Adm.Code Chapter 4901:1-25 apply to each electric utility, electric services company, electric cooperative, and governmental aggregator subject to certification

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under R.C. 4928.08. The Commission notes that Ohio Adm.Code 4901:1-25-02(D) indicates that the Commission may, upon an application or a motion filed by a party, waive any requirement of the chapter, other than a requirement mandated by statute, for good cause shown.

17. How will the agency apply Ohio Revised Code section 119.14 (waiver of fines and penalties for paperwork violations and first-time offenders) into implementation of the regulation?

Ohio Adm.Code 4901:1-25-02(D) indicates that the Commission may, upon an application or a motion filed by a party, waive any requirement of the chapter, other than a requirement mandated by statute, for good cause shown.

18. What resources are available to assist small businesses with compliance of the regulation?

Commission Staff works with small businesses to ensure compliance with the rules. In Commission Case No. 12-2053-EL-ORD, stakeholders and the general public, including small businesses, were invited to participate in a workshop to explain to Commission Staff potential revisions to the rules to decrease or eliminate any adverse impacts on business. Small businesses may contact Commission Staff at any time and may comment on the proposed revisions during the open comment period once the proposed revisions have been released via Commission Entry.