

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Commission’s Review of)
Chapter 4901:1-23, Ohio Administrative) Case No. 12-2052-EL-ORD
Code, Regarding Electric Reliability, Service)
and Safety.)

**COMMENTS
BY
THE OFFICE OF THE OHIO CONSUMERS’ COUNSEL**

The Public Utilities Commission of Ohio (“PUCO” or “the Commission”) invited interested persons to file comments (and reply comments)¹ concerning rules² for the PUCO Staff to administer and enforce the electric reliability, customer service, and safety standards that protect the customers of Ohio’s electric utilities. The PUCO Staff proposed only minor changes to the rules under review in this proceeding.³

The PUCO is statutorily obligated to promulgate rules that specify the minimum service quality, safety, and reliability requirements concerning the supply of electric service in the state.⁴ The procedures for the enforcement of those rules serve a critical purpose in helping promote the state policy for ensuring that consumers have adequate, reliable, safe, and efficient electric service.⁵ Representing the interests of the 4.5 million Ohio residential electric customers in the state, the Office of the Ohio

¹ *In the Matter of the Commission’s Review of Chapter 4901:1-23, Ohio Administrative Code, Regarding Electric Reliability, Service and Safety*, Case No. 12-2052-EL-ORD, Entry (January 15, 2014), at page 3.

² Ohio Adm. Code 4901:1-23.

³ *Id.*

⁴ R.C. 4928.11(A), Minimum service requirements for noncompetitive services.

⁵ R.C. 4928.02(A).

Consumers' Counsel ("OCC") welcomes the opportunity to file these initial comments. OCC advocates that the inclusion of OCC's comments in the final rules will result in better service quality, safety, and reliability for Ohio residential electric consumers.

The PUCO has a procedure for its Staff to inform an electric utility or competitive retail electric service provider ("CRES provider") that it may be in violation of rules or PUCO orders that protect the service standards and safety of electric service for Ohioans. That procedure, a notice of probable noncompliance, is intended to "expedite resolution of alleged violations and avoid extended and protracted litigation."⁶

Ohio Adm. Code 4901:1-23-02 and Ohio Adm. Code 4901:1-23-03 mandates the requirements for the issuance and service of notices of probable noncompliance by the PUCO Staff. The PUCO's current rules enable the PUCO Staff to issue notices of probable noncompliance to electric utilities or CRES providers without publicly filing the notice. Such a process lacks transparency, accountability and opportunity for public input.

Because such notices are not filed, other parties who may have an interest in the matter may not be informed or have the opportunity to timely and sufficiently represent their interests. Others must rely on public records requests to obtain copies of any notices of probable noncompliance. But the PUCO should note the challenges of requesting a copy of a notice of probable noncompliance—on or about the time it was drafted—when there is no public notice that it was issued. Typically this results in parties learning—after the fact—about matters that affect their significant interest in adequate service.

⁶ *In the Matter of the Commission's Promulgation of Rules for Minimum Competitive Retail Electric Service Standards Pursuant to Chapter 4928, Revised Code*, Case No. 99-1611-EL-ORD, Finding and Order (April 6, 2000).

Accordingly, the PUCO should adopt a rule that requires the PUCO Staff to publicly file all notices of probable noncompliance. The public filing of noncompliance notices would be consistent with the General Assembly's statute⁷ that, except for trade secrets, "all facts and information in the possession of the public utilities commission shall be public ***." The public filing of the notices will provide transparency, accountability and an opportunity for the public to be heard in regard to any probable violation of the PUCO's electric reliability, customer service, and safety rules that are important to Ohioans in their daily lives.

Respectfully submitted,

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/s/ Melissa R. Yost

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⁷ R.C. 4905.07.

CERTIFICATE OF SERVICE

I hereby certify that I served a true copy of the foregoing Comments upon the following via electric transmission, this 14th day of February 2014.

/s/ Melissa R. Yost

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Summary: Comments Comments by the Office of the Ohio Consumers' Counsel electronically filed by Ms. Deb J. Bingham on behalf of Yost, Melissa R. Ms.