

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Commission's Review )  
of Chapters 4901-1, Rules of Practice and )  
Procedure; 4901-3, Commission Meetings; ) Case No. 11-776-AU-ORD  
4901-9, Complaint Proceedings; and 4901:1- )  
1, Utility Tariffs and Underground )  
Protection, of the Ohio Administrative )  
Code. )

ENTRY

The Commission finds:

- (1) In a Finding and Order issued on January 22, 2014, the Commission adopted certain modifications to Ohio Adm.Code Chapters 4901-1, 4901-3, 4901-9, and 4901:1-1 and directed that the amended rules be filed with the Joint Committee on Agency Rule Review, the Secretary of State, and the Legislative Service Commission.
- (2) Pursuant to R.C. 4903.10, any party who has entered an appearance in a Commission proceeding may apply for rehearing with respect to any matters determined by the Commission, within 30 days of the entry of the order upon the Commission's journal.
- (3) On February 21, 2014, applications for rehearing were timely filed by various commenters arguing that several aspects of the January 22, 2014 Finding and Order and accompanying rules adopted in this matter were unreasonable and unlawful and must be corrected on rehearing.
- (4) On March 12, 2014, the Commission issued an Entry on Rehearing that, inter alia, made modifications to adopted Ohio Adm.Code 4901-1-02(B)(1) and (C)(1)(c). No other part of Ohio Adm.Code 4901-1-02 was modified on rehearing.
- (5) On April 11, 2014, Ohio Power Company (AEP Ohio or Company) filed an application for rehearing of the March 12, 2014 Entry on Rehearing. AEP Ohio submits that under the updated rule, Ohio Adm.Code 4901-1-02(D)(5), the Commission has established a process whereby the docketing

department takes responsibility for service of pleadings on all parties registered for electronic service with the Commission. Parties not registered for electronic service would still be served by the filing party. The issue, according to AEP Ohio, becomes what happens if the docketing department does not perform service on the same day as a filing party makes the submission and there is a specific requirement that service be effectuated that day. To ensure that the party with the burden of service retains control over service, if that is preferred by the filer, the Company recommends that the Commission clarify, in the rule or in response to this application, that a filing party can still perform official service of a filing to ensure timely service and not rely solely on the Commission's docketing department to serve the document.

- (6) On April 21, 2014, Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company collectively filed a memorandum contra in support of AEP Ohio's application for rehearing.
- (7) The Company's application was not filed within the time parameters established in R.C. 4903.10 and, therefore, can not be considered as an application for rehearing. Nevertheless, we clarify that a filing party always has the option of choosing to perfect service on its own to the parties in the case rather than relying on the Commission's docketing department to do so. Ultimately, it is still the responsibility of the filing party to ensure that service of a pleading is timely made.

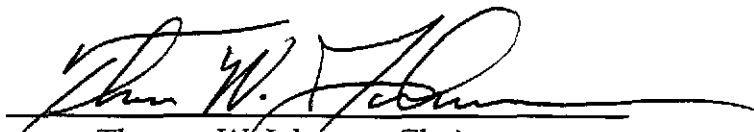
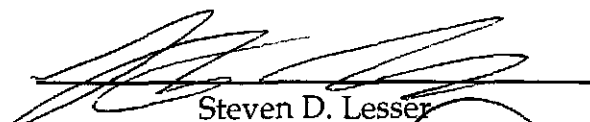
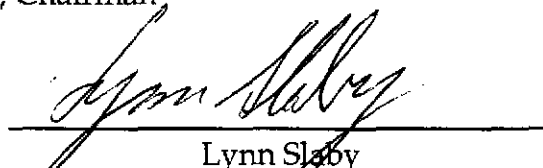
It is, therefore,

ORDERED, That AEP Ohio's application for rehearing be denied. It is, further,

ORDERED, That notice of the issuance of this Entry be served upon all public utilities subject to the jurisdiction of this Commission via the industry electronic mail listserves. It is, further,

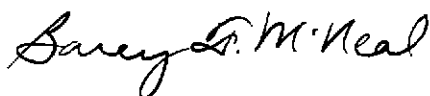
ORDERED, That a copy of this Entry be served upon AEP Ohio and collectively upon Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company.

## THE PUBLIC UTILITIES COMMISSION OF OHIO

  
Thomas W. Johnson, Chairman  
Steven D. Lesser  
M. Beth Trombold  
Lynn Slaby  
Asim Z. Haque

JRJ/vrm

Entered in the Journal

**MAY 07 2014**Barcy F. McNeal  
Secretary