

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Adoption of Ohio)
Adm.Code Chapter 4901:1-2 Concerning)
Rules Involving the Underground) Case No. 15-282-AU-ORD
Technical Committee and the Protection of)
Underground Utility Facilities.)

ENTRY

The Commission finds:

- (1) The 130th Ohio General Assembly adopted Amended Substitute Senate Bill 378 (S.B. 378) to amend R.C. 3781.25 and R.C. 4905.26 and to enact a new chapter R.C. 4913 in order to enforce the law governing protection of underground utility facilities. Newly adopted R.C. 4913.45 directed the Commission to adopt rules pursuant to R.C. 111.15 in order to carry out this new chapter. The Commission has opened this docket in order to consider and adopt new rules in conformance with R.C. 4913.45.
- (2) The Commission notes that, 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.
- (3) Additionally, in accordance with R.C. 121.82, 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 R.C. 107.52, 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 R.C.

121.82, to provide the Common Sense Initiative (CSI) office the draft rules and the business impact analysis.

- (4) 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 impending rules and elicit feedback. Additionally, Staff may permit stakeholders to propose their own potential 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.
- (5) Accordingly, the Commission finds that, at this time, a workshop should be scheduled for March 19, 2015, at 10:00 a.m., 11th Floor, at the offices of the Commission, 180 East Broad Street, Hearing Rooms A and B, Columbus, Ohio, to consider the impending rules in Ohio Adm.Code Chapter 4901:1-2. 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.

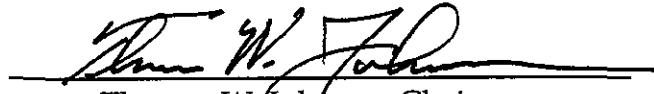
It is, therefore,


ORDERED, That, in accordance with Finding (5), a workshop be scheduled for March 19, 2015. It is, further,

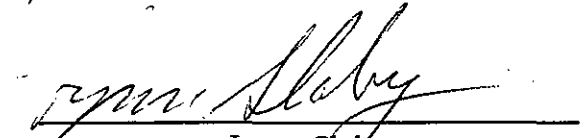
ORDERED, That notice of this Entry be served via the Electric-Energy, Gas-Pipeline, Telephone, and Water industry list-serves. It is, further,

ORDERED, That a copy of this Entry be served upon all investor-owned electric utilities in the state of Ohio, regulated gas and natural gas companies, all incumbent local exchange telephone companies in the state of Ohio, the Ohio Gas Association, the Ohio Oil and Gas Association, the Ohio Petroleum Council, the Ohio Telecom Association, the Ohio Cable Telecommunications Association, and all other interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO


Thomas W. Johnson, Chairman


Steven D. Lesser



Lynn Slaby


M. Beth Trombold

Asim Z. Haque

JRJ/vrm

Entered in the Journal **FEB 11 2015**


Barcy F. McNeal
Secretary