

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE AMENDMENT
OF THE RULES IN OHIO ADM.CODE
CHAPTER 4901:1-43 REGARDING
RECOVERY OF INFRASTRUCTURE
DEVELOPMENT COSTS.

CASE No. 17-1905-GA-ORD

ENTRY

Entered in the Journal on September 5, 2017

{¶ 1} On March 31, 2017, Governor John Kasich signed into law Substitute House Bill 26 that, inter alia, amended, effective June 30, 2017, the statutory provisions permitting a natural gas company to file an application with the Commission for approval of an infrastructure development rider (IDR) to recover costs associated with certain economic development projects. Among other statutory changes, the legislation repealed R.C. 4929.164 and eliminated the separate charge for certified sites projects, as well as increased the potential IDR cost recovery for economic development projects to \$1.50 per month per customer. This proceeding has been opened specifically to review Ohio Adm.Code Chapter 4901:1-43, in light of the amendment of R.C. 4929.161, 4929.162, 4929.163, and 4929.166 and the repeal of R.C. 4929.164.

{¶ 2} 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.

{¶ 3} Additionally, in accordance with R.C. 121.82, in the course of developing draft rules, the Commission must evaluate the rules against the business impact analysis (BIA). 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. Further, the Commission is required, pursuant to R.C. 121.82, to provide the Common Sense Initiative office the draft rules and the BIA.

{¶ 4} The attorney examiner finds that, prior to issuing Staff's proposed revisions to Ohio Adm.Code Chapter 4901:1-43 for comment, it is appropriate to hold a workshop with interested stakeholders. At the workshop, Staff may elicit feedback on proposed revisions to Ohio Adm.Code Chapter 4901:1-43 and stakeholders may propose revisions to the rules for Staff's consideration. Interested stakeholders should come to the workshop prepared with 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 amendments to Ohio Adm.Code Chapter 4901:1-43 will be issued for comments and reply comments by interested persons.

{¶ 5} Accordingly, the attorney examiner finds that, at this time, a workshop should be scheduled for September 21, 2017, at 1:30 p.m., at the offices of the Commission, 180 East Broad Street, Hearing Room 11-B, Columbus, Ohio. The workshop is intended as an opportunity for Staff to receive feedback from interested stakeholders before the proposed modifications to Ohio Adm.Code Chapter 4901:1-43 are issued for comment. Any interested stakeholder that does not participate in the workshop may file comments with the Commission once the draft rules have been issued.

{¶ 6} It is, therefore,

{¶ 7} ORDERED, That a workshop be scheduled for September 21, 2017, at 1:30 p.m., at the offices of the Commission, 180 East Broad Street, Hearing Room 11-B, Columbus, Ohio. It is, further,

{¶ 8} ORDERED, That a copy of this Entry be sent to the gas-pipeline list-serve. It is, further,

{¶ 9} ORDERED, That a copy of this Entry be served upon all regulated natural gas companies, the Ohio Gas Association, the Ohio Oil and Gas Association, the Ohio Petroleum Council, Ohio Energy Group, Ohio Manufacturers' Association, Ohio Consumers' Counsel, Ohio Development Services Agency, Columbus 2020, Mid-Ohio Regional Planning Commission, Industrial Energy Users-Ohio, Columbus Chamber of Commerce, Greater Springfield Chamber of Commerce, city of Gahanna, Union County Community Improvement Corporation, Ohio Economic Development Association, Regional Growth Partnership, Zanesville-Muskingum County Port Authority, Local Initiatives Support Corporation, Austin Powder Company, Eastern Ohio Development Alliance, Appalachian Partnership for Economic Growth, Clean Fuels Ohio, Ohio Propane Gas Association, and all other interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/Sarah Parrot

By: Sarah J. Parrot
Attorney Examiner

JRJ/sc

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Summary: Attorney Examiner Entry scheduling workshop for 09/21/17 at 1:30 p.m. at the offices of the Commission, 180 E. Broad St., Hearing Rm. 11-B, Columbus, Ohio. - electronically filed by Sandra Coffey on behalf of Sarah Parrot, Attorney Examiner, Public Utilities Commission of Ohio