

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE COMMISSION'S
REVIEW OF THE GAS PIPELINE SAFETY
RULES IN CHAPTER 4901:1-16 OF THE
OHIO ADMINISTRATIVE CODE.

CASE NO. 19-47-GA-ORD

ENTRY

Entered in the Journal on January 9, 2019

{¶ 1} R.C. 111.15(B) and R.C. 106.03(A) require 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 Commission has opened this docket in order to review the gas pipeline safety rules in Ohio Adm.Code Chapter 4901:1-16.

{¶ 2} R.C. 106.03(A) requires that the Commission determine whether the rules:

- (a) Should be continued without amendment, be amended, or be rescinded, taking into consideration the purpose, scope, and intent of the statute under which the rules were adopted;
- (b) Need amendment or rescission to give more flexibility at the local level;
- (c) Need amendment or rescission to eliminate unnecessary paperwork;
- (d) Incorporate 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;
- (e) Duplicate, overlap with, or conflict with other rules;

- (f) Have an adverse impact on businesses, as determined under R.C. 107.52;
- (g) Contain words or phrases having meanings that in contemporary usage are understood as being derogatory or offensive; and
- (h) Require liability insurance, a bond, or any other financial responsibility instrument as a condition of licensure.

{¶ 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 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 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. Furthermore, the Commission is required, pursuant to R.C. 121.82, to provide the Common Sense Initiative office the draft rules and the BIA.

{¶ 5} The attorney examiner finds that, prior to issuing Staff’s proposed revisions to the rules for comment, it is appropriate to require Staff to hold a workshop with interested stakeholders. At the workshop, Staff may elicit feedback on any proposed revisions to the rules that Staff may have and may permit stakeholders to propose their own 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 rule amendments will be issued for comments and reply comments by interested persons.

{¶ 6} Accordingly, the attorney examiner finds that a workshop should be scheduled for February 14, 2019, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, Hearing Room 11-B, Columbus, Ohio. Visitors should register at the lobby desk and then proceed to the 11th floor in order to participate in the workshop. The workshop is intended as an opportunity for Staff to receive feedback from interested stakeholders before the draft rules 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.

{¶ 7} It is, therefore,

{¶ 8} ORDERED, That a workshop be scheduled for February 14, 2019, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, Hearing Room 11-B, Columbus, Ohio. It is, further,

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

{¶ 10} ORDERED, That a copy of this Entry be served upon all regulated gas, natural gas, and pipeline companies, the Ohio Consumers' Counsel, the Ohio Gas Association, the

Ohio Oil and Gas Association, the Ohio Petroleum Council, the American Petroleum Institute – Ohio, and all other interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/ *Lauren L. Augostini*

By: Lauren L. Augostini
Attorney Examiner

JRJ/hac

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Summary: Attorney Examiner Entry scheduling workshop electronically filed by Heather A Chilcote on behalf of Lauren L. Augostini, Attorney Examiner, Public Utilities Commission of Ohio