

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE COMMISSION'S
REVIEW OF ITS RULES FOR ELECTRICAL
SAFETY AND SERVICE STANDARDS
CONTAINED IN CHAPTER 4901:1-10 OF THE
OHIO ADMINISTRATIVE CODE.

CASE No. 17-1842-EL-ORD

ENTRY

Entered in the Journal on November 2, 2020

{¶ 1} R.C. 111.15(B) requires 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.

{¶ 2} The Commission held a workshop in this proceeding on October 3, 2017, pursuant to Entry issued on September 1, 2017, in order to elicit feedback on Ohio Adm.Code Chapter 4901:1-10. The purpose of the workshop was to allow stakeholders to propose their own revisions to the rules for consideration.

{¶ 3} By Entry issued on July 17, 2019, the Commission requested comments and reply comments on Staff's proposed revisions to Ohio Adm.Code Chapter 4901:1-10.

{¶ 4} Pursuant to the above Entry, written comments were filed by various parties on August 16, 2019, and August 29, 2019. Reply comments were then filed by various parties on August 30, 2019.

{¶ 5} On February 26, 2020, the Commission issued a Finding and Order, addressing the written comments filed by parties and revising certain rules within Ohio Adm.Code Chapter 4901:1-10 based on the comments.

{¶ 6} 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 in that proceeding by filing an application within 30 days after the Commission's order is journalized.

{¶ 7} On March 27, 2020, the following parties timely filed applications for rehearing: Ohio Edison Company, the Cleveland Electric Illuminating Company, and the Toledo Edison Company (collectively, FirstEnergy); Ohio Power Company (AEP Ohio); the Dayton Power & Light Company (DP&L); the Office of the Ohio Consumers' Counsel (OCC); and Duke Energy Ohio, Inc (Duke).

{¶ 8} By Entry on Rehearing issued April 22, 2020, the Commission granted rehearing for further consideration of the matters specified in the applications for rehearing filed by FirstEnergy, AEP Ohio, DP&L, OCC, and Duke.

{¶ 9} Within Paragraph 16 of the Finding and Order, the Commission adopted Staff's revision to the definition for "major event" found in Ohio Adm.Code 4901:1-10-01(T), and the Commission granted DP&L's request that electric distribution utilities (EDU) be allowed to file updated reliability performance standards to reflect the change in definition. In granting this request, the Commission ordered EDUs to file a standards' case within six months of the February 26, 2020 Order, unless an EDU already had scheduled such a filing.

{¶ 10} Pursuant to R.C. 4903.10(B), filing an application for rehearing "shall not excuse any person from complying with the order, or operate to stay or postpone the enforcement thereof, without a special order of the commission." R.C. 4903.10(B). However, the attorney examiner notes that a substantive ruling on the assignments of error submitted within the applications for rehearing filed by the parties is still pending, meaning the current Commission rules prevail since the revisions adopted by the Commission in the Finding and Order are not yet final and effective. Consequently, requiring the EDUs who have yet to file standards' cases to do so in accordance with Paragraph 16 of the Finding and Order is unnecessary at this moment in time. Therefore, the attorney examiner finds it reasonable to stay the filing requirement from Paragraph 16 of the Finding and Order to a date that will be set by future entry.

{¶ 11} It is, therefore,

{¶ 12} ORDERED, That standards' case filing requirement found in Paragraph 16 of the Finding and Order be stayed to a date that will be set by future entry. It is, further,

{¶ 13} ORDERED, That a copy of this Entry be served upon all commenters and parties of record in this matter.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/ Matthew J. Sandor

By: Matthew J. Sandor
Attorney Examiner

JRJ/kck

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in

Case No(s). 17-1842-EL-ORD

Summary: Attorney Examiner Entry ordering that standards' case filing requirement found in Paragraph 16 of the Finding and Order be stayed to a date that will be set by future entry. electronically filed by Kelli C. King on behalf of Matthew Sandor, Attorney Examiner, Public Utilities Commission of Ohio