

Ohio

**Public Utilities
Commission**

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BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Amendment of Certain)
Rules of the Ohio Administrative Code to) Case No. 11-4910-AU-ORD
Implement Section 4911.021, Revised Code.)

ENTRY

The Commission finds:

- (1) On June 28, 2011, Governor John Kasich signed Amended Substitute House Bill 153 (Am. Sub. H.B. 153) which is the state's biennium budget bill. Included within Amended Substitute H.B. 153 was the adoption of a new provision, Section 4911.021, Revised Code. The new statute states that the Office of the Ohio Consumers' Counsel (OCC) "shall not operate a telephone call center for consumer complaints" and that "(a)ny calls received by the consumers' counsel concerning consumer complaints shall be forwarded to the public utilities commission call center."
- (2) On January 10, 2011, Governor Kasich 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 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) In making its review, an agency is also required to consider the continued need for the rules, the nature of any complaints or comments received concerning the rules, and any factors that have changed in the subject matter area affected by the rules.
- (4) The Commission has opened this new docket, Case No. 11-4910-AU-ORD, expressly for the purpose of seeking comments on the appropriate rule changes needed in light of the statutory requirements of new Section 4911.021, Revised Code.

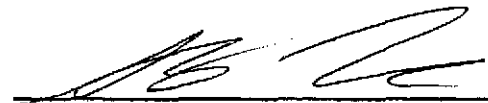
- (5) In order to facilitate discussion, the Commission staff has evaluated the rules throughout Agency Number 4901, Ohio Administrative Code (O.A.C.), and provided amendments to various rules to reflect the enactment of Section 4911.021, Revised Code. Additionally, modifications have been to various rules to reflect the widespread adoption of the 7-1-1 dialing code in order to use the Telecommunications Relay Service. The Commission asks that interested persons submit comments concerning the changes listed, further changes required, other rules in need of change, as well as any other comments concerning application of the statutory changes.
- (6) Staff's proposed changes to Rules 4901:1-6-12, 4901:1-6-17, 4901:1-10-12, 4901:1-10-22, 4901:1-10-33, 4901:1-13-06, 4901:1-13-09, 4901:1-13-11, 4901:1-15-16, 4901:1-15-23, 4901:1-18-06, 4901:1-18-08, 4901:1-21-12, 4901:1-21-14, 4901:1-21-18, 4901:1-29-11, and 4901:1-29-12, O.A.C., are posted at: www.puco.ohio.gov/puco/rules. To minimize the expense of this proceeding, the Commission will serve a paper copy of only this entry. All interested persons are directed to download the proposed rules from the above website, or to contact the Commission's Docketing Division to be sent a paper copy.
- (7) All interested persons should have an opportunity to comment on the attached proposed amendments. Initial comments on this topic should be filed, either via electronic filing or in hard copy, by September 21, 2011. Reply comments are due by September 30, 2011.
- (8) In response to the new legislation, utilities will be permitted to exhaust existing stocks of billing forms or other materials before using new stocks. All public utilities must understand, however, that the rules can not be read inconsistent with the new statute. Therefore, any consumer complaint that requires call center intervention with the utility to resolve should be handled by the Commission's call center.

It is, therefore,

ORDERED, That all interested stakeholders should file comments and reply comments by September 21, 2011, and September 30, 2011, respectively, in accordance with finding 7. It is, further,

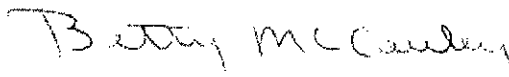
ORDERED, That a copy of this entry without the attached rules be served upon all regulated utilities; the Office of the Ohio Consumers' Counsel; Ohio Gas Association; Ohio Rural Electric Cooperatives, Inc.; Ohio Electric Utility Institute; Ohio Propane Gas Association; Ohio Oil and Gas Association; Ohio Telecom Association; Ohio Cable Telecommunications Association; Ohio Manufacturers' Association; Ohio Municipal League; Ohio Environmental Council; Ohio State Bar Association; and the Legal Aid Societies of Cleveland, Columbus, Cincinnati, Dayton, and Toledo.

THE PUBLIC UTILITIES COMMISSION OF OHIO


Todd A. Snitchler, Chairman
Paul A. Centolella
Steven D. Lesser
Andre T. Porter
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JRJ/vrm

Entered in the Journal

SEP 07 2011
Betty McCauley
Secretary