

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Commission's Review)
of Ohio Adm.Code Chapter 4901-2,) Case No. 15-495-AU-ORD
Confidential Personal Information.)

FINDING AND ORDER

The Commission finds:

- (1) Pursuant to R.C. 106.03 and R.C. 111.15 all state agencies are required 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 established this docket to conduct an evaluation of the rules in Ohio Adm.Code 4901-2, which set forth the standards regarding the protection of confidential personal information held by the Commission.
- (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 - (a) Should be continued without amendment, be amended, or be rescinded, taking into consideration the purpose, scope, and intent of the statute(s) under which the rules were adopted;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 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, or conflict with other rules;

- (f) Have an adverse impact on businesses, as determined under R.C. 107.53; and,
 - (g) Contain words or phrases having meanings that in contemporary usage are understood as being derogatory or offensive.
- (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 (CSI) office the draft rules and the BIA.
- (5) On April 16, 2015, the Commission held a workshop in this proceeding to enable interested stakeholders to propose revisions to the rules found in Ohio Adm.Code 4901-2. No stakeholders provided comments at the workshop.
- (6) Staff evaluated the rules contained in Ohio Adm.Code 4901-2 and has determined that no changes are necessary.
- (7) On May 28, 2015, the Commission issued an Entry seeking comments. The Commission ordered interested persons to file comments by June 12, 2015. No comments have been filed in this proceeding.

- (8) Upon review, the Commission finds that Ohio Adm.Code 4901-2 is reasonable and that no changes are required.
- (9) In making the determination required by R.C. 106.03(A), the Commission considered the matters set forth in the executive order and in R.C. 106.03(A) and 121.82, as well as 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. With these factors in mind, and upon consideration of Staff's recommendations, the Commission concludes that Ohio Adm.Code 4901-2 should remain without change.
- (10) The rules are posted on the Commission's Docketing Information System (DIS) website at <http://dis.puc.state.oh.us/>. To minimize the expense of this proceeding, the Commission will serve notice of this Finding and Order upon all Commission industry list-serves. Interested persons are directed to input the case number 15-495-AU-ORD into the Case Lookup Box to view the rules, as well as this Finding and Order, or to contact the Commission's Docketing Division to request a paper copy.

It is, therefore,

ORDERED, That, upon review, no changes are necessary to Ohio Adm.Code 4901-2.
It is, further,

ORDERED, That Ohio Adm.Code 4901-2 be filed with the Joint Committee on Agency Rule Review, the Secretary of State, and the Legislative Service Commission, in accordance with R.C. 111.15. It is, further,

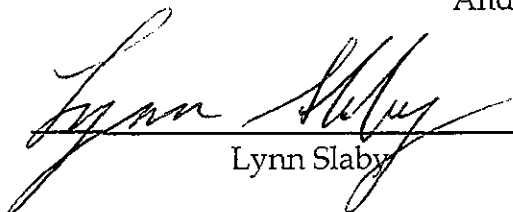
ORDERED, That, unless otherwise ordered by the Commission, the five-year review date for Ohio Adm.Code 4901-2 shall be in compliance with R.C. 106.03. It is, further,

ORDERED, That notice of this Finding and Order be served upon all Commission industry list-serves.

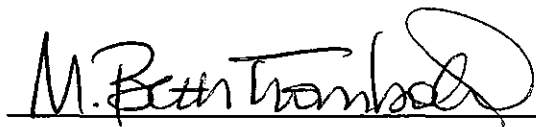
THE PUBLIC UTILITIES COMMISSION OF OHIO



Andre T. Porter, Chairman



Lynn Slaby



M. Beth Trombold



Thomas W. Johnson

Asim Z. Haque

LDJ/vrm

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Barcy F. McNeal
Secretary