

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Review of the Energy)
Shortage Emergency Rules in Ohio)
Adm.Code Chapters 4901:5-17, 4901:5-19,) Case No. 16-567-AU-ORD
4901:5-21, 4901:5-23, 4901:5-25, 4901:5-29,)
4901:5-33, 4901:5-35, and 4901:5-37.)

ENTRY

The attorney examiner finds:

- (1) R.C. 4935.03 provides that the Commission shall adopt rules defining various types of energy emergency conditions for critical shortages or interruptions in the supply of electric power, natural gas, coal, or individual petroleum fuels. These rules may specify appropriate measures to be taken at each level of emergency in order to protect the public health or safety, or prevent unnecessary or avoidable damage to property.
- (2) 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. The Commission has opened this docket in order to review the energy shortage emergency rules in Ohio Adm.Code Chapters 4901:5-17 through 4901:5-37.
- (3) 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 - (a) Should be continued without amendment, be amended, or be rescinded, taking into consideration the purpose, scope, and intent of the statute under which the rules were adopted;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; and
 - (g) Contain words or phrases having meanings that in contemporary usage are understood as being derogatory or offensive.
- (4) 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.
- (5) 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.

- (6) 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 parties.
- (7) Accordingly, the attorney examiner finds that, at this time, a workshop should be scheduled for April 5, 2016, at 10:00 a.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 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.

It is, therefore,

ORDERED, That a workshop be scheduled for April 5, 2016, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, Hearing Room 11-B, Columbus, Ohio. It is, further,

ORDERED, That a copy of this Entry be sent to the electric-energy, gas-pipeline, and transportation list-serves. It is, further,

ORDERED, That a copy of this Entry be served upon all regulated electric and natural gas companies; ReliabilityFirst Corporation; PJM Interconnection, LLC; Ohio Consumers' Counsel; Ohio Coal Association; Ohio Gas Association; Ohio Rural Electric Cooperatives, Inc.; Office of Energy and Redevelopment, Ohio Development Services Agency; Ohio Electric Utility Institute; Ohio Propane Gas Association; Ohio Petroleum Marketers & Convenience Store Association; Ohio Oil and Gas Association; Ohio Petroleum Council; Ohio Emergency Management Agency; Ohio Homeland Security; Ohio Trucking Association; Ohio Railroad Association; Ohio Telecom Association; Ohio Cable Telecommunications Association; Ohio Manufacturers' Association; Ohio Municipal League; Ohio Environmental Council; Ohio State Bar Association; Legal Aid Societies of Cleveland, Columbus, Cincinnati, Dayton, and Toledo; 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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in

Case No(s). 16-0567-AU-ORD

Summary: Attorney Examiner Entry scheduling a workshop for 4/5/2016 at 10:00 a.m. at the offices of the Commission, 180 E. Broad St., Rm. 11-B, Columbus, Ohio. - electronically filed by Sandra Coffey on behalf of Sarah Parrot, Attorney Examiner, Public Utilities Commission of Ohio