

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE COMMISSION'S
REVIEW OF OHIO ADM.CODE CHAPTERS
4901:1-10, 4901:1-21, 4901:1-23, 4901:1-24,
4901:1-27, 4901:1-28, 4901:1-29, 4901:1-30,
4901:1-31, 4901:1-32, 4901:1-33, AND 4901:1-
34 REGARDING RULES GOVERNING
COMPETITIVE RETAIL ELECTRIC SERVICE AND
COMPETITIVE RETAIL NATURAL GAS
SERVICE.

CASE NOS. 17-1842-EL-ORD
17-1843-EL-ORD
17-1844-EL-ORD
17-1862-EL-ORD
17-1845-GA-ORD
17-1846-GA-ORD
17-1847-GA-ORD
17-1848-GA-ORD
17-1849-GA-ORD
17-1850-GA-ORD
17-1851-GA-ORD
17-1852-GA-ORD

ENTRY

Entered in the Journal on September 1, 2017

{¶ 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. At this time, the Commission is reviewing the Rules contained in Ohio Adm.Code Chapters 4901:1-10, 4901:1-21, 4901:1-23, 4901:1-24, 4901:1-27, 4901:1-28, 4901:1-29, 4901:1-30, 4901:1-31, 4901:1-32, 4901:1-33, and 4901:1-34, which govern competitive retail electric service and competitive retail natural gas service.

{¶ 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- (a) Should be continued without amendment, be amended, or be rescinded, taking into consideration the purpose, scope, and intent of the statute under which the rules were adopted;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 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.

{¶ 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 which 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. 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.

{¶ 6} Accordingly, the attorney examiner finds that, at this time, a workshop should be scheduled for October 3, 2017 at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, Hearing Room 11-B, Columbus, Ohio. To allow broader access to the workshop, it will be webcast. Persons wishing to view the workshop via the web should access the Commission's web site at www.puco.ohio.gov and click on Webcasts.

{¶ 7} It is, therefore,

{¶ 8} ORDERED, That a workshop be scheduled for October 3, 2017. It is, further,

{¶ 9} ORDERED, That a copy of this Entry be sent to the Electric-Energy and Gas-Pipeline industry service lists. It is, further,

{¶ 10} ORDERED, That a copy of this Entry be served upon all electric distribution companies, gas and natural gas companies, certified competitive retail electric service providers and certified retail natural gas service suppliers, the Ohio Consumers' Counsel, and all interested persons of record in this case.

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/Stacie Cathcart

By: Stacie E. Cathcart
Attorney Examiner

GAP/sc

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Case No(s). 17-1842-EL-ORD, 17-1843-EL-ORD, 17-1844-EL-ORD, 17-1862-EL-ORD, 17-1845-GA-OR

Summary: Attorney Examiner Entry scheduling a Workshop for 10/03/2017 in accordance with Paragraph 6. - electronically filed by Sandra Coffey on behalf of Stacie Cathcart, Attorney Examiner, Public Utilities Commission of Ohio