

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE REVIEW OF OHIO
ADM.CODE CHAPTER 4901-1 RULES
REGARDING PRACTICE AND PROCEDURE
BEFORE THE COMMISSION.

CASE NO. 18-275-AU-ORD

IN THE MATTER OF THE REVIEW OF OHIO
ADM.CODE CHAPTER 4901:1-1 RULES
REGARDING UTILITY TARIFFS AND
UNDERGROUND UTILITY PROTECTION
SERVICE REGISTRATION.

CASE NO. 18-276-AU-ORD

IN THE MATTER OF THE REVIEW OF OHIO
ADM.CODE CHAPTER 4901-3 RULES
REGARDING OPEN COMMISSION MEETINGS.

CASE NO. 18-277-AU-ORD

IN THE MATTER OF THE REVIEW OF OHIO
ADM.CODE CHAPTER 4901-9 RULES
REGARDING COMMISSION COMPLAINT
PROCEEDINGS.

CASE NO. 18-278-AU-ORD

ENTRY

Entered in the Journal on May 24, 2018

{¶ 1} R.C. 111.15(B) and R.C. 106.03(A) require all state agencies to conduct a review of their rules every five years to determine whether those rules should be continued without change, be amended, or be rescinded. The Commission has opened the above-listed dockets to review four chapters of the Ohio Administrative Code. Ohio Adm.Code Chapter 4901-1 contains administrative provisions and rules regarding practice and procedure before the Commission. The rules in Ohio Adm.Code Chapter 4901:1-1 address utility tariffs and the registration of underground utility protection services. The rules in Ohio Adm.Code Chapter 4901-3 pertain to Commission meetings. The rules in Ohio Adm.Code Chapter 4901-9 govern complaint proceedings before the Commission.

{¶ 2} In performing this review, R.C. 106.03(A) requires the Commission to 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- (a) Should be continued without amendment, be amended, or be rescinded, taking into consideration the purpose, scope, and intent of the statute under which the rules were adopted;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;
- (g) Contain words or phrases having meanings that in contemporary usage are understood as being derogatory or offensive; and
- (h) Require liability insurance, a bond, or any other financial responsibility instrument as a condition of licensure.

{¶ 3} The Commission must also consider several factors set forth in Executive Order 2011-01K, entitled “Establishing the Common Sense Initiative” and issued by Governor Kasich on January 10, 2011. Under the Common Sense Initiative, the Commission must review its rules to determine the impact a rule has on small businesses; attempt to balance the critical objectives of regulation with the cost of compliance by regulated parties; and amend or rescind rules that are unnecessary, ineffective, contradictory, redundant, inefficient,

or needlessly burdensome. The Commission must also assess whether a rule has had negative, unintended consequences or has unnecessarily impeded business growth.

{¶ 4} Also, under R.C. 121.82, in the course of developing draft rules, the Commission must evaluate whether those rules will have an adverse effect on businesses and prepare a business impact analysis (BIA). If there will be an adverse impact on businesses, as defined in R.C. 107.52, the Commission is tasked to incorporate features into the draft rules to eliminate or adequately reduce the adverse business impact. R.C. 121.82 also requires the Commission to provide a copy of the draft rules and BIA to the Common Sense Initiative office for comment.

{¶ 5} Before issuing any proposed revisions to the rules, the attorney examiner finds it appropriate to hold a workshop with interested stakeholders. At the workshop, stakeholders may provide feedback on any proposed revisions and may offer their own revisions for consideration. After 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 a workshop should be scheduled for July 12, 2018, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, Hearing Room 11-B, Columbus, Ohio. Each of the four chapters under review will be open for comment, starting with Case No. 18-275-AU-ORD and working in sequence through Case No. 18-278-AU-ORD. The workshop will be transcribed. 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 July 12, 2018, as stated in Paragraph 6. It is, further,

{¶ 9} ORDERED, That a copy of this Entry be sent to all public utilities subject to the jurisdiction of this Commission via the industry list-serves. It is, further,

{¶ 10} ORDERED, That a copy of this Entry be served upon Ohio Consumers' Counsel; Ohio Telecom Association; Ohio Trucking Association; Ohio Railroad Association; Ohio Gas Association; Ohio Electric Institute; Ohio Cable Telecommunications Association; Ohio Manufacturers' Association; Ohio Municipal League; the cities of Cincinnati, Cleveland, Columbus, Dayton, and Toledo; the chair of the Ohio State Bar Association Public Utilities Committee; Ohio Environmental Council; Legal Aid Societies of Cincinnati, Cleveland, Columbus, Dayton, and Toledo; Ohio Chamber of Commerce; Industrial Energy Users-Ohio; Ohio Partners for Affordable Energy; Ohio Gas Marketers Group; and all other interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

Patricia Schabo

By: Patricia A. Schabo
Attorney Examiner

SJP/sc

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Case No(s). 18-0275-AU-ORD, 18-0276-AU-ORD, 18-0277-AU-ORD, 18-0278-AU-ORD

Summary: Attorney Examiner Entry scheduling workshop for 07/12/2018 in accordance with Paragraph 6 - electronically filed by Sandra Coffey on behalf of Patricia Schabo, Attorney Examiner, Public Utilities Commission of Ohio