

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE COMMISSION'S
REVIEW OF CHAPTERS 4901:1-17 AND
4901:1-18 OF THE OHIO
ADMINISTRATIVE CODE.

CASE NO. 19-52-AU-ORD

ENTRY

Entered in the Journal on January 14, 2019

{¶ 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of their rules every five years to determine whether the rules should be continued without change, amended, or be rescinded. The Commission has opened this docket to review the rules regarding the establishment of credit for residential utility service, the disconnection of residential utility service, and the Percentage of Income Payment Plan (PIPP) Plus program for gas utilities in Ohio Administrative Code Chapters 4901:1-17 and 4901:1-18.

{¶ 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- (a) Should be continued without amendment, be amended, or be rescinded, taking into consideration the purpose, scope, and intent of the statute under which the rules were adopted;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 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. 121.72, 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} 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} Also, 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} Included among the rules in Ohio Adm.Code Chapter 4901:1-18 are the requirements of the gas PIPP Plus program. The PIPP Plus program is available to both electric and gas residential customers. The Ohio Development Services Agency’s (ODSA) rules, applicable to the electric PIPP Plus program, are contained in Ohio Adm.Code

Chapter 122:5-3. To facilitate the efficient review of the rules for the PIPP Plus programs, the staffs of the Commission and ODSA are coordinating their review of the rules. To that end, the agencies have determined that it would be beneficial to hold a joint workshop to consider the rules governing the gas and electric PIPP Plus programs. In addition to the rules applicable to the PIPP Plus programs, Ohio Adm.Code Chapters 4901:1-17, 4901:1-18, and 122:5-3 also include rules that are not in common between the two agencies; therefore, the workshop will be structured to provide adequate time for stakeholders to provide input on all the rules in these chapters.

{¶ 6} Accordingly, the attorney examiner finds that a joint workshop between the Commission and ODSA should be scheduled for February 5, 2019, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 11th floor, Hearing Room B, Columbus, Ohio. Commission Staff and representatives from ODSA will jointly conduct the workshop. The first topic of discussion will be the PIPP Plus provisions contained within Ohio Adm.Code Chapters 4901:1-18 and 122:5-3. Following discussion of the PIPP Plus provisions, representatives from ODSA will take comments on other items contained within Ohio Adm.Code Chapter 122:5-3. Finally, the Commission's Staff will take comments on the remainder of the rules in Ohio Adm.Code Chapters 4901:1-17 and 4901:1-18. The workshop will be transcribed. Interested stakeholders planning to attend the workshop, will need to present a driver's license or other state-issued identification to building security before proceeding to the 11th floor. Furthermore, 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. Any interested stakeholder that does not participate in the workshop may file comments with the Commission and/or ODSA, as applicable, once draft rules have been issued by the Commission and ODSA.

{¶ 7} It is, therefore,

{¶ 8} ORDERED, That a workshop be scheduled for February 5, 2019, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, Hearing Room 11-B, Columbus, Ohio. It is, further,

{¶ 9} ORDERED, That a copy of this Entry be served upon all regulated electric distribution companies, gas and natural gas companies, water works and sewage disposal companies, certified competitive retail electric service providers and certified competitive retail natural gas service suppliers, the ODSA, Ohio Consumers' Counsel, and all other interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/Greta See

By: Greta See
Attorney Examiner

JRJ/hac

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Summary: Attorney Examiner Entry scheduling workshop electronically filed by Heather A Chilcote on behalf of Greta See, Attorney Examiner, Public Utilities Commission