

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE COMMISSION'S
IMPLEMENTATION OF SUBSTITUTE
HOUSE BILL 402 OF THE 132ND OHIO
GENERAL ASSEMBLY.

CASE NO. 19-173-TP-ORD

ENTRY

Entered in the Journal on January 24, 2019

{¶ 1} The 132nd Ohio General Assembly adopted Substitute House Bill 402 (Sub. H.B. 402) that, among other things, directed the Commission to: adopt rules that permit incumbent local exchange companies (ILECs) to increase rates for basic local exchange service (BLES) by up to \$2.00 on an annual basis; docket a report no later than three years after the effective date to examine the number of exchange lines in service, the aggregate amount of line loss in the state of Ohio since the bill was enacted, and the change in price for those services in each exchange area since the effective date; submit a report to the standing committees in the House of Representatives and the Senate; permit, no earlier than four years from the effective date of the legislation, an ILEC to apply for an exemption from the price cap requirements for BLES; exempt telephone companies from treble damages; and, limit the Commission's ability to consider domestic telephone company change of control applications.

{¶ 2} The attorney examiner notes that, 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 any proposed rules to determine the impact that a rule has on small businesses; attempt to balance properly 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, needlessly burdensome, have had negative unintended consequences, or unnecessarily impede business growth.

{¶ 3} Additionally, in accordance with R.C. 121.82, in the course of developing draft rules, the Commission must conduct a business impact analysis regarding the rules. If there will be an adverse impact on business, 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 business impact analysis.

{¶ 4} As part of the rule procedures, the Commission has determined that, prior to issuing proposed rules for comment, it is appropriate to require Commission Staff (Staff) to hold a workshop with interested stakeholders. At the workshop, Staff should provide an overview of the impending rules and elicit feedback. Additionally, Staff may permit stakeholders to propose their own potential 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, Staff will draft proposed rule amendments, and the Commission will issue Staff's proposal for comments and reply comments by interested parties.

{¶ 5} Accordingly, the attorney examiner finds that, at this time, a transcribed workshop should be scheduled for Thursday, February 7, 2019, at 10:00 a.m., 11th Floor, at the offices of the Commission, 180 East Broad Street, Hearing Room 11-B, Columbus, Ohio, to consider the rule amendments to Ohio Adm.Code Chapter 4901:1-6 required by Sub. H.B. 402. All persons wanting to participate in the workshop should register at the lobby desk and then proceed to the 11th floor. To allow broader access, the workshop will be webcast. Persons wishing to view the workshop via the web should access the Commission's website at www.puco.ohio.gov and select Webcasts. The workshop is intended as an opportunity for Staff to receive feedback from interested stakeholders before it issues the draft rules and opens them up for formal comment. Any interested stakeholder that cannot or does not choose to participate in the workshop may file formal comments with the Commission once the draft rules and draft rule amendments have been issued.

{¶ 6} It is, therefore,

{¶ 7} ORDERED, That, in accordance with paragraph 5, a workshop be scheduled for February 7, 2019. It is, further,

{¶ 8} ORDERED, That notice of this Entry be served upon the Ohio Telecom Association, the office of the Ohio Consumers' Counsel, and the telephone industry list-serve.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/ Jay S. Agranoff

By: Jay S. Agranoff
Attorney Examiner

JRJ/mef

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Summary: Attorney Examiner Entry scheduling a workshop to discuss impending rules for 2/7/19 at 10:00am at the Commission offices electronically filed by Ms. Mary E Fischer on behalf of Jay S. Agranoff, Attorney Examiner, Public Utilities Commission of Ohio