

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 January 2, 2020

{¶ 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of their rules every five years to determine whether those rules should be continued without change, be amended, or be rescinded.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 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 five-year review, R.C. 106.03(A) requires the Commission to make numerous specific determinations with regard to the rules. Additionally, in the

course of developing draft rules, R.C. 121.85 requires the Commission to evaluate whether those rules will have an adverse effect on businesses.

{¶ 3} On July 12, 2018, the Commission held a workshop to enable interested stakeholders to propose revisions to the rules open for review. Representatives of several interested stakeholders attended the workshop, and two provided comments.

{¶ 4} By Entry dated December 4, 2019, the Commission issued proposed revisions to Ohio Adm.Code Chapters 4901-1, 4901:1-1, 4901-3, and 4901-9 and requested comments from interested persons to assist in the review required by R.C. 111.15, R.C. 106.03, and R.C. 121.82. Pursuant to the December 4, 2019 Entry, initial comments are due January 3, 2020, and reply comments are due January 17, 2020.

{¶ 5} On December 30, 2019, Ohio Consumers' Counsel and the Northwest Ohio Aggregation Coalition (Movants) filed a joint motion to extend the procedural schedule to allow more time for public comment and a request for expedited ruling. Movants request that the comment schedule be extended by ten days, rendering initial comments due by January 13, 2020, and reply comments due by January 27, 2020. For cause, Movants submit that a significant number of rules are addressed in these proceedings, many of which involve complex matters regarding the rights of consumers and all other persons who appear before the Commission with regard to matters such as discovery, settlements, utility tariffs, and complaint cases. With the intervening holidays and the press of other business, Movants assert that the proposed brief extension would not interpose unreasonable delay. To the contrary, Movants state that the additional time will benefit all stakeholders and, by extension, the Commission's review of the rules. In closing, although they concede that they cannot certify that no party opposes the request, Movants seek an expedited ruling on the motion.

{¶ 6} The attorney examiner finds that the joint motion to extend the procedural schedule to allow more time for public comments, as well as the request for an expedited ruling, is reasonable and should be granted. The requested extension applies to all

interested persons or entities who intend to file comments or reply comments in these proceedings. Accordingly, interested persons or entities may file initial or reply comments on or before January 13, 2020, and January 27, 2020, respectively.

{¶ 7} It is, therefore,

{¶ 8} ORDERED, That Movant's joint motion to extend the procedural schedule be granted. It is, further,

{¶ 9} ORDERED, That initial comments be filed on or before January 13, 2020, and reply comments be filed on or before January 27, 2020. It is, further,

{¶ 10} ORDERED, That an electronic 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,

{¶ 11} ORDERED, That an electronic copy of this Entry be served upon all parties of record. It is further,

{¶ 12} ORDERED, That a hard copy of this Entry be served upon 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

/s/Patricia A. Schabo

By: Patricia A. Schabo
Attorney Examiner

GAP/hac

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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 granting motion to extend procedural schedule and setting deadline for initial comments and reply comments electronically filed by Heather A Chilcote on behalf of Patricia Schabo, Attorney Examiner, Public Utilities Commission