

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Review of Ohio            )  
Adm. Code Chapter 4901-3 Rules            ) Case No. 18-277-AU-ORD  
Regarding Open Commission Meetings.    )

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**COMMENTS ON PUCO RULES FOR ITS OPEN MEETINGS UNDER OHIO  
LAW FOR SUNSHINE IN GOVERNMENT  
BY  
OFFICE OF THE OHIO CONSUMERS' COUNSEL  
AND  
NORTHWEST OHIO AGGREGATION COALITION**

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January 13, 2020

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The Public Utilities Commission of Ohio (“PUCO”) seeks comments on its proposed amendments to Ohio Adm.Code 4901-3, for its responsibilities under the Ohio Open Meetings Act. This opportunity to comment is appreciated.

The Open Meetings Act, in R.C. 121.22(A), is to be “liberally construed to require public officials to take official action and to conduct all deliberations upon official business only in open meetings unless the subject matter is specifically excepted by law.” The PUCO’s rules for its open meetings (Ohio Adm.Code 4901-3-01) should be modified by adding the statutory wording from R.C. 121.22(A) that “all deliberations” shall be conducted in open meetings.

In addition, a Georgia rule should be adopted as part of the modifications to the PUCO’s Open Meetings Rule. The Georgia rule provides that, “every member of the Commission will, in all cases, reserve his/her opinion and in no way commit in advance of touching the merits of any matter or question to be passed upon by the Commission or

that should be dealt with by it, until the facts and evidence are all submitted, and the Commission considers the same in administrative session.”<sup>1</sup>

Accordingly, the PUCO should adopt the following revisions to its Open Meetings rule.

**O.A.C. 4901-3-01 Commission meetings.**

**(A) Open meetings.**

(1) All meetings of the public utilities commission at which official action is taken and formal deliberation upon official business is conducted shall be opened to the public. In accordance with section 121.22(a) of the revised code, the Public Utilities Commission shall conduct all deliberations upon official business only in open meetings unless the subject matter is specifically excepted by law. All resolutions, rules, or formal action of any kind shall be adopted in an open meeting of the public utilities commission. A majority of the public utilities commission shall constitute a quorum for the purpose of conducting business. Every member of the Public Utilities Commission will, in all cases, reserve his or her opinion and in no way commit himself or herself in advance touching the merits of any matter or question to be passed upon by the commission or that should be dealt with by it, until the facts and evidence are all submitted and the commission considers the same in its open meeting.

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In conclusion, the above proposed changes to Ohio Adm.Code 4901-3-01 (the PUCO Open Meetings rule) should be adopted. The changes will further the PUCO’s implementation of Ohio’s Open Meetings Act, under Ohio’s Sunshine Laws, for transparency in the public’s state government.

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<sup>1</sup> Ga. Comp. R. & Regs. 515-2-1.01.

Respectfully submitted,

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Ohio Consumers' Counsel

/s/ Amy Botschner O'Brien  
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### **CERTIFICATE OF SERVICE**

I hereby certify that a copy of these Comments on PUCO Rules for Its Open Meetings under Ohio Law for Sunshine in Government was served on the persons stated below via electric transmission this 13<sup>th</sup> day of January 2020.

/s/ Amy Botschner O'Brien

Amy Botschner O'Brien  
Assistant Consumers' Counsel

The PUCO's e-filing system will electronically serve notice of the filing of this document on the following parties:

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Summary: Comments Comments on PUCO Rules for Its Open Meetings Under Ohio Law for Sunshine In Government by The Office of The Ohio Consumers' Counsel and Northwest Ohio Aggregation Coalition electronically filed by Mrs. Tracy J Greene on behalf of Botschner O'Brien, Amy