

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE APPLICATION OF
THE COMMISSION'S REVIEW OF ITS
RULES FOR THE ALTERNATIVE ENERGY
PORTFOLIO STANDARD CONTAINED IN
CHAPTER 4901:1-40 OF THE OHIO
ADMINISTRATIVE CODE.**

CASE NO. 12-2156-EL-ORD

**IN THE MATTER OF THE COMMISSION'S
REVIEW OF ITS RULES FOR ENERGY
EFFICIENCY PROGRAMS CONTAINED IN
CHAPTER 4901:1-39 OF THE OHIO
ADMINISTRATIVE CODE.**

CASE NO. 13-651-EL-ORD

**IN THE MATTER OF THE AMENDMENT OF
OHIO ADMINISTRATIVE CODE CHAPTER
4901:1-40, REGARDING THE
ALTERNATIVE ENERGY PORTFOLIO
STANDARD, TO IMPLEMENT AM. S.B. 315.**

CASE NO. 13-652-EL-ORD

ENTRY

Entered in the Journal on March 25, 2020

{¶ 1} R.C. 111.15(B) requires all state agencies to conduct a review, every five years, of their rules and to determine whether to continue their rules without change, amend their rules, or rescind their rules.

{¶ 2} On April 23, 2013, the Commission held a workshop in this proceeding in order to elicit feedback on Ohio Adm.Code Chapters 4901:1-39 and 4901:1-40. Following an Entry requesting comments issued on January 29, 2014, interested parties filed initial comments on February 28, 2014. Reply comments were filed on March 24, 2014.

{¶ 3} On December 19, 2018, the Commission issued a Finding and Order, addressing written comments filed by parties and revising certain rules within Ohio Adm.Code Chapters 4901:1-39 and 4901:1-40 based on these comments. Moreover, due to Sub. S.B. No. 310 of the 130th General Assembly, which was enacted September 12, 2014, the Commission further modified Ohio Adm.Code Chapters 4901:1-39 and 4901:1-40 to align

the rules' language with statutory changes.

{¶ 4} On January 18, 2019, several interested parties filed applications for rehearing, and several interested parties filed memoranda contra on January 28, 2019. The Commission granted the applications for rehearing by Entry on Rehearing dated February 6, 2019, for the purpose of consideration of the matters specified in the applications for rehearing.

{¶ 5} By Second Entry on Rehearing dated April 10, 2019, the Commission granted four applications for rehearing and denied two applications for rehearing.

{¶ 6} On May 10, 2019, two parties filed second applications for rehearing. Two memorandum contra were filed on May 29, 2019 in response to the applications for rehearing.

{¶ 7} By Third Entry on Rehearing filed June 5, 2019, the Commission granted the applications for rehearing filed by the various groups for the purpose of further consideration of the matters specified in their applications.

{¶ 8} On August 28, 2019, the Commission issued a Fourth Entry on Rehearing, denying the applications for rehearing.

{¶ 9} At this time, the attorney examiner notes that amended Ohio Adm.Code Chapters 4901:1-39 and 4901:1-40 were filed with the Joint Committee on Agency Rule Review (JCARR) with an effective date of March 26, 2020.

{¶ 10} Additionally, during the transition to these amended rules, with regard to amended Ohio Adm.Code 4901:1-40-05, the attorney examiner finds that all open renewable portfolio standard (RPS) compliance cases that have a staff report filed in the docket as of March 26, 2020, should be deemed automatically approved on the 60th day following this Entry, unless otherwise ordered by the Commission, notwithstanding any directives issued in Case No. 20-591-AU-UNC. All other RPS compliance cases filed prior to March 26, 2020 without a Staff Report and cases filed on or after March 26, 2020, will be processed under

the rule as amended effective March 26, 2020.

{¶ 11} It is, therefore,

{¶ 12} ORDERED, That Ohio Adm.Code Chapters 4901:1-39 and 4901:1-40 be effective on March 26, 2020. It is, further,

{¶ 13} ORDERED, That pending RPS compliance cases with a Staff Report as of March 26, 2020 proceed pursuant to Paragraph 10. It is, further,

{¶ 14} ORDERED, That all other RPS compliance cases filed prior to March 26, 2020 and on or after March 26, 2020, be processed pursuant to Paragraph 10. It is, further,

{¶ 15} ORDERED, That a copy of this Entry be served upon all commenters and all interested persons of record in this matter.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/Anna Sanyal

By: Anna Sanyal
Attorney Examiner

JRJ/kck

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

3/25/2020 8:44:52 AM

in

Case No(s). 12-2156-EL-ORD

Summary: Attorney Examiner Entry Ohio Adm Code Chapters 4901:1-39 and 4901:1-40 be effective 3.36.20; pending RPS compliance cases with a Staff Report proceed as Rules. electronically filed by Mrs. Kelli C King on behalf of Anna Sanyal, Attorney Examiner, Public Utilities Commission of Ohio