

# THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE COMMISSION'S  
REVIEW OF CHAPTER 4901:1-6 OF THE  
OHIO ADMINISTRATIVE CODE,  
REGARDING TELEPHONE COMPANY  
PROCEDURES AND STANDARDS.

CASE No. 14-1554-TP-ORD

## SECOND SUPPLEMENTAL FINDING AND ORDER

Entered in the Journal on October 21, 2020

### I. SUMMARY

{¶ 1} The Commission finds that a revision to Ohio Adm.Code 4901:1-6-02(H) should be made in order to update the incorporation by reference date involving citations to the United States Code and Code of Federal Regulations.

### II. DISCUSSION

#### A. Procedural History

{¶ 2} On September 4, 2014, the Commission opened Case No. 14-1554-TP-ORD, *In re the Commission's Review of Chapter 4901:1-6 of the Ohio Administrative Code, Regarding Telephone Company Procedures and Standards*, for the purpose of commencing the five-year review of the rules contained in Ohio Adm.Code Chapter 4901:1-6.

{¶ 3} On November 30, 2016, the Commission issued a Finding and Order in this matter. Five rounds of rehearing ensued with the most recent Entry on Rehearing being issued on October 4, 2017. As a result, some of the rules in Ohio Adm.Code Chapter 4901:1-6 have been updated and some have not.

{¶ 4} One of the rules that has not been updated in this chapter is the Purpose and Scope rule, Ohio Adm.Code 4901:1-6-02. Paragraph (H) of the Purpose and Scope rule includes a date whereby citations to the United States Code and the Code of Federal Regulations is incorporated by reference. The currently effective version of the Purpose and Scope rule lists the citation date as September 13, 2010.

{¶ 5} By Entry issued October 7, 2020, the Commission issued the Purpose and Scope rule, Ohio Adm.Code 4901:1-6-02, for comment on a proposal to update the date of citations to the United States Code and the Code of Federal Regulations where those federal requirements are incorporated by reference. In the Entry, the Commission noted that updating the citation date would, among other things, remove confusion on the rates that inmate service providers should charge for intrastate calls from prisons and jails in Ohio. Comments were due by October 15, 2020.

**B. Summary of the Comments**

{¶ 6} The Ohio Cable Telecommunications Association (OCTA) supports the proposed revision to Ohio Adm.Code 4901:1-6-02(H) as this revision creates greater consistency between Ohio's regulatory requirements and federal laws. Continuing, the OCTA views favorably the public policy goal of promoting uniformity and for that reason, the proposed revision is appropriate and should be adopted.

**C. Commission Conclusion**

{¶ 7} Upon review of the comments, the Commission finds that Paragraph (H) of Ohio Adm.Code 4901:1-6-02 should be updated as follows:

(H) Each citation contained within this chapter that is made either to a section of the United States Code or a regulation in the code of federal regulation is intended, and shall serve, to incorporate by reference the particular version of the cited matter that was effective on ~~September 13, 2010~~ October 1, 2020.

No other changes to currently effective Ohio Adm.Code 4901:1-6-02 are being proposed at this time.

{¶ 8} Accordingly, Ohio Adm.Code 4901:1-6-02, as updated, should be filed with the Joint Committee on Agency Rule Review, the Secretary of State, and the Legislative Service Commission, in accordance with R.C. 111.15.

### III. ORDER

{¶ 9} It is, therefore,

{¶ 10} ORDERED, That Ohio Adm.Code 4901:1-6-02, be updated in accordance with this Second Supplemental Finding and Order. It is, further,

{¶ 11} ORDERED, That updated Ohio Adm.Code 4901:1-6-02 be filed with the Joint Committee on Agency Rule Review, the Secretary of State, and the Legislative Service Commission, in accordance with R.C. 111.15. It is, further,

{¶ 12} ORDERED, That the final updated rule be effective on the earliest date permitted. Unless otherwise ordered by the Commission, the five-year rule review date for Ohio Adm.Code 4901:1-6-02 shall be in compliance with R.C. 119.032. It is, further,

{¶ 13} ORDERED, That a copy of this Second Supplemental Finding and Order be served upon all commenters and interested persons of record in this matter.

#### COMMISSIONERS:

##### *Approving:*

Sam Randazzo, Chairman  
M. Beth Trombold  
Lawrence K. Friedeman  
Daniel R. Conway  
Dennis P. Deters

JRJ/kck

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**Case No(s). 14-1554-TP-ORD**

Summary: Finding & Order finding that a revision to Ohio Adm.Code 4901:1-6-02(H) should be made in order to update the incorporation by reference date involving citations to the United States Code and Code of Federal Regulations. electronically filed by Ms. Mary E Fischer on behalf of Public Utilities Commission of Ohio