

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE AMENDMENT OF
THE RULES IN OHIO ADM.CODE
CHAPTER 4901:1-43 REGARDING
RECOVERY OF INFRASTRUCTURE
DEVELOPMENT COSTS.

CASE NO. 21-10-GA-ORD

ENTRY

Entered in the Journal on January 12, 2012

{¶ 1} R.C. 111.15(B) and R.C. 106.03(A) require 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. The Commission has opened this docket in order to review the infrastructure development cost rules in Ohio Adm.Code Chapter 4901:1-43.

{¶ 2} R.C. 106.03(A) requires that the Commission determine whether the rules:

- (a) Should be continued without amendment, be amended, or be rescinded, taking into consideration the purpose, scope, and intent of the statute under which the rules were adopted;
- (b) Need amendment or rescission to give more flexibility at the local level;
- (c) Need amendment or rescission to eliminate unnecessary paperwork;
- (d) Incorporate a text or other material by reference and, if so, whether the citation accompanying the incorporation by reference would reasonably enable the Joint Committee on Agency Rule Review or a reasonable person to whom the rules apply to find and inspect the incorporated text or material readily and without charge and, if the rule has been exempted in whole or in part from R.C. 121.71 to 121.74

because the incorporated text or material has one or more characteristics described in R.C. 121.75(B), whether the incorporated text or material actually has any of those characteristics;

- (e) Duplicate, overlap with, or conflict with other rules;
- (f) Have an adverse impact on businesses, as determined under R.C. 107.52;
- (g) Contain words or phrases having meanings that in contemporary usage are understood as being derogatory or offensive; and
- (h) Require liability insurance, a bond, or any other financial responsibility instrument as a condition of licensure.

{¶ 3} Additionally, in accordance with R.C. 121.82, in the course of developing draft rules, the Commission must evaluate the rules against the business impact analysis (BIA). If there will be an adverse impact on businesses, 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 office the draft rules and the BIA.

{¶ 4} The attorney examiner finds that, prior to issuing Staff's proposed revisions to the rules for comment, it is appropriate to require Staff to hold a workshop with interested stakeholders. At the workshop, Staff may elicit feedback on any proposed revisions to the rules that Staff may have and may permit stakeholders to propose their own revisions to the rules for Staff's consideration. Interested stakeholders should come to the workshop prepared with necessary technical experts to provide appropriate feedback. An attorney

examiner from the Commission's legal department will serve as a moderator for the workshop. After Staff has an opportunity to consider the feedback received at the workshop, proposed rule amendments will be issued for comments and reply comments by interested persons.

{¶ 5} Accordingly, the attorney examiner finds that a workshop should be scheduled for February 1, 2021, at 10:00 a.m. EST. Given the continuing COVID-19 health emergency, the workshop will be held using remote access technology that facilitates participation by telephone and/or live video on the internet. Persons who wish to participate in the workshop must register with the Commission's Consumer Call Center before 12:00 p.m. on January 28, 2021, by using the Commission's online comment form at <https://puco.ohio.gov/wps/portal/gov/puco/events/inf-dev-cost-recovery-wksp>, or by calling 1-800-686-7826. Further, persons who wish to witness, but not participate in the workshop, can do so by calling 1-408-418-9388 and entering access code 179 178 2582.

{¶ 6} The workshop is intended as an opportunity for Staff to receive feedback from interested stakeholders before the draft rules are issued for comment. Any interested stakeholder that does not participate in the workshop may file comments with the Commission once the draft rules have been issued.

{¶ 7} It is, therefore,

{¶ 8} ORDERED, That a workshop be scheduled for February 1, 2021, using advance registration and remote technology as provided in Paragraph 5. It is, further,

{¶ 9} ORDERED, That a copy of this Entry be sent to the gas-pipeline list-serve. It is, further,

{¶ 10} ORDERED, That a copy of this Entry be served upon all regulated gas and natural gas companies, all certified retail natural gas suppliers, the Ohio Consumers'

Counsel, the Ohio Gas Association, the Ohio Petroleum Council, the Ohio Oil and Gas Association, and all other interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/ Jacky Werman St. John

By: Jacky Werman St. John
Attorney Examiner

GAP/kck

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Commission of Ohio Docketing Information System on

1/12/2021 2:04:53 PM

in

Case No(s). 21-0010-GA-ORD

Summary: Attorney Examiner Entry scheduling a workshop for 2.1.21, using advance registration and remote technology and ordering hat a copy of this Entry be sent to the gas-pipeline list-serve.
electronically filed by Kelli C. King on behalf of Jacky Werman St. John, Attorney Examiner, Public Utilities Commission of Ohio