

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE COMMISSION'S
REVIEW OF CHAPTER 4901:1-25 OF THE
OHIO ADMINISTRATIVE CODE.

CASE NO. 21-478-EL-ORD

ENTRY

Entered in the Journal on April 23, 2021

{¶ 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of their rules every five years to determine whether those rules should be continued without change, be amended, or be rescinded.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 has opened this docket to review Ohio Adm.Code Chapter 4901:1-25, concerning market monitoring.

{¶ 2} In performing this review, R.C. 106.03(A) requires the Commission to 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- (a) Should be continued without amendment, be amended, or be rescinded, taking into consideration the purpose, scope, and intent of the statute under which the rules were adopted;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} Also, under R.C. 121.82, in the course of developing draft rules, the Commission must evaluate whether those rules will have an adverse effect on businesses and prepare a business impact analysis (BIA). If there will be an adverse impact on businesses, as defined in R.C. 107.52, the Commission is tasked to incorporate features into the draft rules to eliminate or adequately reduce the adverse business impact. R.C. 121.82 also requires the Commission to provide a copy of the draft rules and BIA to the Common Sense Initiative office for comment.

{¶ 4} Before issuing any proposed revisions to the rules, the attorney examiner finds it appropriate to hold a workshop with interested stakeholders. At the workshop, Staff may elicit feedback on any proposed revisions to the rules which Staff may have and stakeholders may propose their own revisions for consideration. Interested stakeholders should come to the workshop with technical experts prepared to provide appropriate feedback. 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 parties.

{¶ 5} Accordingly, the attorney examiner finds that a workshop should be scheduled for May 6, 2021, at 10:00 a.m. However, because of the continued state of the COVID-19 emergency, the workshop will be held using remote access technology that facilitates participation by telephone and/or live video on the internet. Persons that wish to provide comments at the workshop regarding the rules must register with the Commission's Consumer Call Center before 12:00 p.m. on May 5, 2021, by using the Commission's online registration form at <https://puco.ohio.gov/wps/portal/gov/puco/events/21-478-el-ord-rules-wksp> or by calling 1-800-686-7826. Persons that wish to witness but not participate in the workshop can do so by dialing 1-408-418-9388 and entering 129 665 1361 as the access code. Any interested stakeholder that cannot or does not choose to participate in the workshop may file formal comments with the Commission once the draft rule amendments have been issued.

{¶ 6} It is, therefore,

{¶ 7} ORDERED, That a workshop be scheduled for May 6, 2021, as stated in Paragraph 5. It is, further,

{¶ 8} ORDERED, That a copy of this Entry be served upon all electric distribution utility companies and competitive retail electric service providers, the Ohio Consumers' Counsel, and all interested persons of record in this case.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/James M. Lynn

By: James M. Lynn
Attorney Examiner

SJP/hac

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Case No(s). 21-0478-EL-ORD

Summary: Attorney Examiner Entry ordering that a workshop be scheduled for May 6, 2021, as stated in Paragraph 5 electronically filed by Heather A Chilcote on behalf of James M. Lynn, Attorney Examiner, Public Utilities Commission