

## THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE AMENDMENT OF  
THE RULES IN OHIO ADM.CODE  
CHAPTERS 4901:5-1, 4901:5-3, 4901:5-5,  
AND 4901:5-7 REGARDING LONG-TERM  
FORECAST REPORTS.

CASE NO. 21-779-GE-ORD

### ENTRY

Entered in the Journal on July 29, 2021

{¶ 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 long-term forecast report rules in Ohio Adm.Code Chapters 4901:5-1, 4901:5-3, 4901:5-5, and 4901:5-7.

{¶ 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- (a) Should be continued without amendment, be amended, or be rescinded, taking into consideration the purpose, scope, and intent of the statute under which the rules were adopted;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} While formulating comments for the workshop, please consider the following questions:

- Do you have any concerns with requiring major utility facilities, as defined in R.C. 4935.04(A)(1), to submit long-term forecast reports (LTFRs), which are required pursuant to Ohio Adm.Code Chapter 4901:5-1, using paperless technologies (i.e., electronically submitting the reports by utilizing, for example, the cloud-based Salesforce platform)?
  - If yes, what are those concerns?
- What problems or benefits do you perceive will result from moving to a paperless filing system?
- What obstacles do you believe may arise during the paperless implementation phase?
- What long- and short-term problems and/or challenges, if any, do you foresee/anticipate by implementing a paperless system for LTFR filings?
- What sort of mechanism is best suited for major utility facilities to use when implementing a paperless system for LTFR filings?
- Should the Commission consider an implementation grace/transition period of a certain number of years before the paperless requirement becomes effective?
  - If yes, how long should the grace/transition period last?

{¶ 6} Accordingly, the attorney examiner finds that a workshop should be scheduled for August 24, 2021, at 10:00 a.m., at the offices of the Commission, 180 East Broad

Street, Hearing Room 11-B, Columbus, Ohio. Interested stakeholders should register at the lobby desk and then proceed to the 11th floor in order to participate in the workshop. To allow broader access to the workshop, it will be webcast. Persons wishing to view the workshop via the web should visit [www.youtube.com/user/PUCOhio](http://www.youtube.com/user/PUCOhio).

{¶ 7} 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.

{¶ 8} It is, therefore,

{¶ 9} ORDERED, That a workshop be scheduled for August 24, 2021, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, Hearing Room 11-B, Columbus, Ohio. It is, further,

{¶ 10} ORDERED, That a copy of this Entry be sent to the Electric-Energy and Gas-Pipeline industry service lists. It is, further,

{¶ 11} ORDERED, That a copy of this Entry be served upon all electric distribution companies, gas and natural gas companies, certified competitive retail electric service providers and certified retail natural gas service suppliers, the Ohio Consumers' Counsel, and all other interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/ Matthew J. Sandor

By: Matthew J. Sandor  
Attorney Examiner

SJP/mef

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Summary: Attorney Examiner Entry scheduling a workshop for August 24, 2021 at 10:00am electronically filed by Ms. Mary E. Fischer on behalf of Matthew Sandor, Attorney Examiner, Public Utilities Commission of Ohio