

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE REVIEW OF THE
RULES IN OHIO ADM.CODE CHAPTER
4901:1-2 REGARDING THE PROTECTION
OF UNDERGROUND UTILITY FACILITIES.

CASE NO. 21-896-AU-ORD

ENTRY

Entered in the Journal on August 27, 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 protection of underground utility facility rules in Ohio Adm.Code Chapter 4901:1-2.

{¶ 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- (a) Should be continued without amendment, be amended, or be rescinded, taking into consideration the purpose, scope, and intent of the statute under which the rules were adopted;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 the rules for comment, it is appropriate to hold a workshop with interested stakeholders. At the workshop, stakeholders may propose revisions to the rules for 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 an opportunity to consider the feedback received at the workshop, proposed rules and potential amendments will be issued for written comments and reply comments by interested persons.

{¶ 5} Accordingly, the attorney examiner finds that a workshop should be scheduled for September 21, 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.

{¶ 6} The workshop is intended as an opportunity 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. Consistent with Centers for Disease Control and Prevention Guidelines and the May 17, 2021 Ohio Department of Health Order, attendees at the workshop who are not fully vaccinated should continue to wear a face covering and socially distance. Any accommodations necessary to ensure availability of social distancing and plexiglass dividers should be made in advance of the workshop.

{¶ 7} It is, therefore,

{¶ 8} ORDERED, That a workshop be scheduled for September 21, 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,

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

{¶ 10} ORDERED, That a copy of this Entry be served upon all regulated electric distribution companies, regulated gas and natural gas companies, all incumbent local exchange companies, the Ohio Gas Association, the Ohio Oil and Gas Association, the Ohio Petroleum Council, the Ohio Telecom Association, the Ohio Cable Telecommunications Association, the Ohio Utilities Protection Service, and all other interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/ Jeffrey R. Jones

By: Jeffrey R. Jones
Attorney Examiner

NJW/mef

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

8/27/2021 10:13:13 AM

in

Case No(s). 21-0896-AU-ORD

Summary: Attorney Examiner Entry scheduling a workshop for September 21, 2021, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, Hearing Room 11-B, Columbus, Ohio. electronically filed by Ms. Mary E. Fischer on behalf of Jeffrey R. Jones, Attorney Examiner, Public Utilities Commission of Ohio