

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE REVIEW OF THE
ENERGY EMERGENCY RULES IN OHIO
ADM.CODE CHAPTERS 4901:5-17, 4901:5-
19, 4901:5-21, 4901:5-23, 4901:5-25,
4901:5-29, 4901:5-33, 4901:5-35, AND
4901:5-37.

CASE NO. 22-59-AU-ORD

ENTRY

Entered in the Journal on February 18, 2022

{¶ 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 energy emergency rules in Ohio Adm.Code Chapters 4901:5-17, 4901:5-19, 4901:5-21, 4901:5-23, 4901:5-25, 4901:5-29, 4901:5-33, 4901:5-35, and 4901:5-37.

{¶ 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- (a) Should be continued without amendment, be amended, or be rescinded, taking into consideration the purpose, scope, and intent of the statute under which the rules were adopted;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 materially 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 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, at this time, a workshop should be scheduled for March 10, 2022, at 10:00 a.m. The workshop shall be held via remote access technology that facilitates participation by telephone and/or live video on the internet. Persons who wish to participate and offer comments in the remote access workshop must register before 12:00 p.m. on March 9, 2022, by using the Commission's online registration

form at <https://puco.ohio.gov/events/case-no-22-59-au-ord-wksp> or by calling the Consumer Call Center at 1-800-686-7826.

{¶ 6} Interested individuals who wish to attend remotely and not offer comments can do so by calling 1-408-418-9388 and entering access code 2347 575 7592.

{¶ 7} Individuals interested in providing comments will be required to provide their full name, home or business address, telephone number, and e-mail address, if available; state that they wish to register for the workshop in Case No. 22-59-AU-ORD; specify whether they plan to join the remote access event by internet or telephone; and indicate that they intend to offer comments. All individuals who plan to provide comments using video access to the Webex event, as opposed to providing comments by telephone, must have a computer or smart device with a microphone and speaker, an e-mail address, and reliable internet service.

{¶ 8} The attorney examiner reiterates that 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.

{¶ 9} It is, therefore,

{¶ 10} ORDERED, That a workshop be scheduled for March 10, 2022, at 10:00 a.m., via remote access technology in accordance with Paragraph 5. It is, further,

{¶ 11} ORDERED, That a copy of this Entry be sent to the electric-energy, gas-pipeline, and transportation list-serves. It is, further,

{¶ 12} ORDERED, That a copy of this Entry be served upon all regulated electric and natural gas companies; ReliabilityFirst Corporation; PJM Interconnection, LLC; Ohio Consumers' Counsel; Ohio Coal Association; Ohio Gas Association; Ohio Rural Electric Cooperatives, Inc.; Ohio Department of Development; Ohio Electric Utility Institute; Ohio

Propane Gas Association; Ohio Petroleum Marketers & Convenience Store Association; Ohio Oil and Gas Association; Ohio Petroleum Council; Ohio Emergency Management Agency; Ohio Homeland Security; Ohio Trucking Association; Ohio Railroad Association; Ohio Telecom Association; Ohio Cable Telecommunications Association; Ohio Manufacturers' Association; Ohio Municipal League; Ohio Environmental Council; Ohio State Bar Association; Legal Aid Societies of Cleveland, Columbus, Cincinnati, Dayton, and Toledo; and all other interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/ Jesse M. Davis

By: Jesse M. Davis
Attorney Examiner

SJP/kck

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Case No(s). 22-0059-AU-ORD

Summary: Attorney Examiner Entry ordering that a workshop be scheduled for March 10, 2022, at 10:00 a.m., via remote access technology in accordance with Paragraph 5 and ordering that a copy of this Entry be sent to the electric-energy, gas-pipeline, and transportation list-serves. electronically filed by Kelli C. King on behalf of Jesse Davis, Attorney Examiner, Public Utilities Commission of Ohio