

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE COMMISSION'S
REVIEW OF OHIO ADM.CODE CHAPTERS
4901:1-21, 4901:1-23, 4901:1-24, 4901:1-
27, 4901:1-28, 4901:1-29, 4901:1-30,
4901:1-31, 4901:1-32, 4901:1-33, AND
4901:1-34 REGARDING RULES
GOVERNING COMPETITIVE RETAIL
ELECTRIC SERVICE AND COMPETITIVE
RETAIL NATURAL GAS SERVICE.

CASE NOS. 17-1843-EL-ORD
17-1844-EL-ORD
17-1845-GA-ORD
17-1846-GA-ORD
17-1847-GA-ORD
17-1848-GA-ORD
17-1849-GA-ORD
17-1850-GA-ORD
17-1851-GA-ORD
17-1852-GA-ORD
17-1862-EL-ORD

ENTRY

Entered in the Journal on July 8, 2024

{¶ 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.

{¶ 2} R.C. 121.95, effective October 17, 2019, required state agencies, including the Commission, to create a base inventory of regulatory restrictions contained in each of their rules by December 31, 2019.

{¶ 3} R.C. 121.951(A)(1), effective June 8, 2022, requires the Commission to amend or rescind rules identified in its base inventory – using the criteria listed in R.C. 106.03(A) – as necessary to reduce the total number of regulatory restrictions by thirty percent over the course of three years.

{¶ 4} Through an Entry dated September 1, 2017, the Commission initiated these proceedings to conduct the five-year review of the rules contained in Ohio Adm.Code

Chapters 4901:1-10,¹ 4901:1-21, 4901:1-23, 4901:1-24, 4901:1-27, 4901:1-28, 4901:1-29, 4901:1-30, 4901:1-31, 4901:1-32, 4901:1-33, and 4901:1-34 regarding the competitive retail electric service (CRES) and competitive retail natural gas service (CRNGS) rules.

{¶ 5} On September 8, 2021, the Commission issued Staff's proposed amendments to the rules with a related Business Impact Analysis. The Commission's Entry also invited stakeholders to file comments regarding the proposed rules, as required by R.C. 111.15 and R.C. 106.03.

{¶ 6} Numerous stakeholders provided comments and reply comments in response to Staff's proposed amendments.

{¶ 7} On February 21, 2024, the Commission issued a Finding and Order adopting Staff's proposed amendments, as well as some additional amendments made to satisfy the requirements of R.C. 121.95(A)(1). The Commission amended Ohio Adm.Code Chapters 4901:1-21, 4901:1-23, 4901:1-24, 4901:1-27, 4901:1-28, 4901:1-29, 4901:1-30, 4901:1-33, and 4901:1-34.

{¶ 8} On March 22, 2024, the Ohio Consumers' Counsel (OCC) filed an application for rehearing. On April 1, 2024, the Retail Energy Supply Association filed a memorandum contra OCC's application for rehearing.

{¶ 9} On April 17, 2024, the Commission denied the March 22, 2024 application for rehearing.

{¶ 10} Pursuant to the requirements of R.C. 111.15, the Commission filed the proposed amendments to Ohio Adm.Code Chapters 4901:1-21, 4901:1-23, 4901:1-24, 4901:1-27, 4901:1-28, 4901:1-29, 4901:1-30, 4901:1-33, and 4901:1-34 with the Joint Committee on

¹ Subsequently, in Case No. 17-1842-EL-ORD, the Commission proceeded separately with the five-year review of Ohio Adm.Code Chapter 4901:1-10. The case caption for these proceedings has been modified accordingly.

Agency Rule Review (JCARR). JCARR's jurisdiction over the amendments to the rules ended as of July 4, 2024.

{¶ 11} The amendments to the rules in Ohio Adm.Code Chapters 4901:1-21, 4901:1-23, 4901:1-24, 4901:1-27, 4901:1-28, 4901:1-29, 4901:1-30, 4901:1-33, and 4901:1-34 will become effective on July 15, 2024.

{¶ 12} The administrative law judge recognizes that there may be implementation issues regarding the amendments adopted in Ohio Adm.Code 4901:1-29-12. Therefore, pursuant to Ohio Adm.Code 4901:1-29-02(C), the ALJ finds good cause to waive the amendments made to Ohio Adm.Code 4901:1-29-12(B) in these proceedings until January 1, 2025, in order to allow the companies sufficient time to work with Staff to address any implementation issues that may arise. If additional time is needed beyond that date, companies should file a subsequent waiver request for the Commission's consideration.

{¶ 13} It is, therefore,

{¶ 14} ORDERED, That the amendments to the rules in Ohio Adm.Code Chapters 4901:1-21, 4901:1-23, 4901:1-24, 4901:1-27, 4901:1-28, 4901:1-29, 4901:1-30, 4901:1-33, and 4901:1-34, adopted through these proceedings, be effective on July 15, 2024. It is, further,

{¶ 15} ORDERED, That the amendments to Ohio Adm.Code 4901-29-12, adopted through these proceedings, be waived until January 1, 2025, as stated in Paragraph 12. It is, further,

{¶ 16} ORDERED, That a copy of this Entry be sent to the electric-energy and gas-pipeline service lists. It is, further,

{¶ 17} ORDERED, That a copy of this Entry be served upon all investor-owned electric utilities in the state of Ohio, all certified CRES providers in the state of Ohio, all regulated gas and natural gas companies, all CRNGS suppliers, OCC, 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/ Matthew J. Sandor

By: Matthew J. Sandor
Administrative Law Judge

MJA/js

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7/8/2024 4:06:11 PM

in

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Summary: Administrative Law Judge Entry ordering that the rules in Ohio Adm.Code Chapters 4901:1-21, 4901:1-23, 4901:1-24, 4901:1-27, 4901:1-28, 4901:1-29, 4901:1-30, 4901:1-33, and 4901:1-34, adopted through these proceedings, be effective on July 15, 2024, the amendments to Ohio Adm.Code 4901:1-12, adopted through these proceedings, be waived until January 1, 2025, as stated in Paragraph 12 electronically filed by Jennie Schneider on behalf of Matt Sandor, Administrative Law Judge, Public Utilities Commission of Ohio.