

# CSI - Ohio

## The Common Sense Initiative

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### MEMORANDUM

**TO:** Elizabeth Stevens, Public Utilities Commission of Ohio

**FROM:** Meredith Rockwell, Regulatory Policy Advocate

**DATE:** August 13, 2012

**RE:** **CSI Review – Emergency Reporting by Electric Utilities (OAC Chapter 4901:5-37)**

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On behalf of Lt. Governor Mary Taylor, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Agency as provided for in ORC 107.54.

#### Analysis

This rule package consists of two rules and governs emergency reporting by electric utilities. The rules direct electric utilities of the actions they should take in the event a declaration of an energy emergency is made.

During the stakeholder outreach conducted by the Public Utilities Commission of Ohio (PUCO), American Electric Power (AEP Ohio) submitted a comment regarding the jurisdiction of the Federal Energy Regulatory Commission (FERC). Specifically, AEP Ohio requested language directing companies to comply with the rule provisions unless otherwise ordered by FERC. The PUCO determined that addressing this issue in the rule was unnecessary, as any instances in which federal mandates may supersede the authority of the PUCO can be reviewed on a case-by-case basis. No further comments were received during the CSI public comment period.

The BIA was accurate and complete and represented the impactful portions of the rule package. The PUCO states in the BIA that the requirements placed on businesses by this package serve to protect the public health and safety and to prevent unnecessary or avoidable damage to property,

**77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117**  
**[CSIOhio@governor.ohio.gov](mailto:CSIOhio@governor.ohio.gov)**

and are only applicable in the event of a critical situation. The rule itself states that this package serves to prevent emergencies, perform system restoration for electric service that suffered an outage due to a critical situation, and preserve and protect electric services whose operations continued or were restored during a critical situation. For these reasons, the CSI Office agrees that the adverse impact to business created by this rule package is sufficiently justified.

### **Recommendations**

For the reasons discussed above, the CSI Office does not have any recommendations for this rule package.

### **Conclusion**

Based on the above comments, the CSI Office concludes that the PUCO should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.

cc: Mark Hamlin, Lt. Governor's Office