

PUCO RESPONSE MEMORANDUM

To: Mark Hamlin
Director of Regulatory Policy
Ohio Lieutenant Governor's Office

From: Angela Hawkins
Legal Director
Public Utilities Commission of Ohio
Legal Department

Date: September 19, 2016

Re: PUCO Response – Gas Pipeline Safety Rules (Ohio Adm.Code Chapter 4901:1-16)

In Case No. 16-1712-GA-ORD, the Public Utilities Commission of Ohio determined that Ohio Adm.Code 4901:1-16-05(A) should be amended on an emergency basis, in order to effectuate the state's one-call emergency notification system, which was created on August 9, 2016, pursuant to Executive Order 2016-04K. In the 120-day time period during which the emergency rule is in effect, the Commission also initiated a rulemaking proceeding to consider adoption of the amendment to Ohio Adm.Code 4901:1-16-05(A) on a permanent basis. Along with the proposed permanent amendment of Ohio Adm.Code 4901:1-16-05(A), the Commission proposed an update to Ohio Adm.Code 4901:1-16-02(D), such that it incorporates recent changes to the Code of Federal Regulations, by amending the date specified in the rule. The PUCO held a workshop on August 25, 2016, to enable interested stakeholders to offer proposed revisions. Comments were offered at the workshop by several interested stakeholders.

Following a formal comment period, with comments filed by three interested stakeholders on September 2, 2016, the PUCO issued a Finding and Order on September 14, 2016, adopting the proposed rules. On September 16, 2016, CSI replied to the PUCO, stating that CSI had no recommendations, and concluding that the PUCO should proceed with formal filing of the rules package with the Joint Committee on Agency Rule Review (JCARR). In light of CSI's conclusion, the PUCO will proceed and file these rules with JCARR.

cc: Jason Rafeld, Chief of Staff, Public Utilities Commission of Ohio
Sarah Parrot, Chief, Gas Section, Public Utilities Commission of Ohio