

PUCO RESPONSE MEMORANDUM

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

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

Date: November 22, 2016

Re: PUCO Response -Ohio Adm.Code Chapter 4901:1-10-21

The Public Utilities Commission of Ohio (Commission) issued a Finding and Order on January 15, 2014, adopting rules in Ohio Adm.Code Chapter 4901:1-10. On September 25, 2013, CSI issued a Response Memorandum to the Commission, stating that it had no recommendations for the rule package and that the Commission should proceed to file the rule package with the Joint Committee on Agency Rule Review (JCARR).

Initial rehearing requests for the Commission's January 15, 2014, Finding and Order were due by February 14, 2014, pursuant to R.C. 4903.10. Applications for rehearing were filed by Direct Energy, the Ohio Hospital Association, The Dayton Power and Light Company, Duke Energy, Ohio Power, FirstEnergy, and IGS Energy. Memoranda contra the applications for rehearing were filed by the Interstate Renewable Energy Council (IREC), the Ohio Consumers' Counsel, Direct Energy, IGS Energy, and the FirstEnergy Companies. The Commission issued an Entry on Rehearing on May 28, 2014, granting, in part, and denying, in part, the applications for rehearing.

Subsequently, on June 27, 2014, FirstEnergy filed a second application for rehearing. On July 7, 2014, IGS Energy filed a memorandum contra the application for rehearing filed by FirstEnergy. Thereafter, on July 23, 2014, the Commission issued an Entry on Rehearing denying the application for rehearing filed by FirstEnergy.

Accordingly, because the Commission denied FirstEnergy's application for rehearing and no additional matters could be raised on rehearing, the Commission filed the rules in Ohio Adm.Code Chapter 4901:1-10 with JCARR.

Thereafter, JCARR notified the Commission that it had identified a typographical error in Ohio Adm.Code 4901:1-10-21. Accordingly, the Commission withdrew 4901:1-10-21 from JCARR. On May 18, 2016, the Commission issued a Finding and Order indicating that it had corrected the typographical error and directed the rule be refiled with JCARR. The typographical error identified by JCARR was a reference to rule "4901:21-08" that was corrected to "4901:1-21-08." Accordingly, the Commission will now proceed to file the rule with JCARR.

cc: Jason Rafeld, Chief of Staff, Public Utilities Commission of Ohio
Gregory Price, Chief, Electric Section, Public Utilities Commission of Ohio
Bryce McKenney, Attorney Examiner, Public Utilities Commission of Ohio