



## Common Sense Initiative

**Mike DeWine**, Governor  
**Jon Husted**, Lt. Governor

**Joseph Baker**, Director

### MEMORANDUM

**TO:** Jeffrey Jones, Public Utilities Commission of Ohio

**FROM:** Michael Bender, Business Advocate

**DATE:** December 29, 2022

**RE:** **CSI Review – Filing of Long-Term Forecast Reports (OAC 4901:5-3-01 and 4901:5-3-02)**

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On behalf of Lt. Governor Jon Husted, 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 Commission as provided for in ORC 107.54.

#### Analysis

This rule package consists of one new rule, one amended rule, and one rescinded rule proposed by the Public Utilities Commission of Ohio (PUCO) as part of the statutory five-year review process. This rule package was submitted to the CSI Office on December 1, 2022, and the public comment period was held open through December 12, 2022. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on December 1, 2022.

Ohio Administrative Code (OAC) 4901:5-3 sets forth the due dates and fees for electric transmission owners, electric utilities, and gas and natural gas distribution companies that are required by the ORC to file long-term forecast reports with the PUCO. OAC 4901:5-3-01 is rescinded and replaced by a new rule with the same number to remove a requirement specifying how many hard copies of the report must be filed with the PUCO at the time of filing. OAC 4901:5-3-02 is amended to remove specified form column numbers and to remove the requirement that fees must be paid via check and instead require that they be paid in a manner prescribed by the PUCO.

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During early stakeholder outreach, the PUCO conducted a workshop on August 24, 2021, to receive feedback from interested stakeholders and the general public concerning OAC 4901:5-3. The PUCO also served an Entry for Case No. 21-779-GE-ORD upon all investor-owned electric utilities and gas and natural gas companies in the state of Ohio, all certified retail electric service providers and certified retail natural gas service suppliers in the state of Ohio, the Ohio Consumers' Counsel, and the electric-energy and gas-pipeline industry listservs. No substantive comments were offered by stakeholders at the workshop. The PUCO also requested that comments from stakeholders regarding the proposed revisions to OAC 4901:5-3 be filed from September 7, 2022, through October 7, 2022. No comments were received.

The business community impacted by the rules includes electric utilities and transmission owners as well as natural gas distribution companies that serve Ohio. The adverse impacts created by the rules include payment of the required fees and the requirement to file the report by the specified due date. According to the PUCO, the revisions to the rules were drafted in a way to minimize these impacts. The PUCO notes that the filing process will be more streamlined and efficient, specifically pointing out that hard copies of the report will no longer be required. The PUCO states that the adverse impacts to business are justified to fulfill ORC requirements, protect public health and safety, preserve environmental quality, maintain a sound economy, and conserve energy and material resources.

### **Recommendations**

Based on the information above, the CSI Office has no recommendations on this rule package.

### **Conclusion**

The CSI Office concludes that the Commission should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.