



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Joseph Baker, Director

MEMORANDUM

TO: Jeff Jones, Public Utilities Commission of Ohio

FROM: Joseph Baker, Director

DATE: December 29, 2022

RE: CSI Review – Waterworks and Sewage Disposal System Companies (OAC 4901:1-15-01; 4901:1-15-02; 4901:1-15-03; 4901:1-15-04; 4901:1-15-05; 4901:1-15-06; 4901:1-15-07; 4901:1-15-08; 4901:1-15-09; 4901:1-15-10; 4901:1-15-11; 4901:1-15-12; 4901:1-15-13; 4901:1-15-14; 4901:1-15-15; 4901:1-15-16; 4901:1-15-17; 4901:1-15-18; 4901:1-15-19; 4901:1-15-20; 4901:1-15-21; 4901:1-15-22; 4901:1-15-23; 4901:1-15-24; 4901:1-15-25; 4901:1-15-26; 4901:1-15-27; 4901:1-15-28; 4901:1-15-29; 4901:1-15-30; 4901:1-15-31; 4901:1-15-32; 4901:1-15-33; 4901:1-15-34; and 4901:1-15-35)

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This rule package consists of nineteen amended rules, one rescinded rule, and fifteen no-change rules proposed by the Public Utilities Commission of Ohio (PUCO) pursuant to the five-year review process. This rule package was submitted to the CSI Office on October 19, 2022, and the public comment period was held open through November 9, 2022. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on October 19, 2022.

The rules in this package establish requirements for water and sewage disposal services, as well as public facilities operated by waterworks or sewage disposal system companies, including applicable definitions, general provisions, disciplinary action for non-compliance with PUCO standards, notice

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and public hearing processes, application processes, fiduciary operations, amendments or transfers for waterworks or sewage disposal system certificates, terminating or modifying service, construction, maintenance, and service interruption requirements, customer premise access limitations, emergency response processes, recordkeeping and reporting requirements, minimum tariff contents, customer rights notifications, business office requirements, standards surrounding public requests for information, meter reading and testing requirements, service quality standards, service application, contract, billing and liability limitations, disconnection and reconnection procedures, business relationship limitations with non-utilities, main extension agreement requirements, standards for collecting refundable advances for service connections or tap-ins, complaints and complaint handling procedures, water conservation restriction processes, and information requirements for infrastructure improvement surcharge filings. The rules are amended to remove regulatory restrictions and redundancies.

During the CSI public comment period, the PUCO received comments from the Ohio Consumers' Counsel (OCC) recommending a variety of changes to the proposed language for purposes of ensuring various consumer protections. In response, the PUCO determined to adopt changes to ensure the protection of consumer rights with respect to access to adequate service and facilities, requiring two weeks' public notice in instances where a wastewater or water entities file for service abandonment, restoring a transferee's obligation to file new tariff documents when certificates of public convenience and necessity to operate a waterworks or sewage disposal company are transferred, and directing waterworks or sewage disposal companies to make every effort to reconnect service on the same day if a payment is made after 12:30 pm on a day that precedes a holiday or weekend. PUCO declined to adopt several other recommendations by OCC, noting that current rules or policies already address the issues posed by OCC.

The business community directly impacted by the rule waterworks and sewage disposal companies regulated by the PUCO. The adverse impacts to business consist of complying with filing and billing processes, reporting requirements, business practice limitations, recordkeeping responsibilities, and other processes related to the delivery of water and sewage services. The Commission notes that the costs to business are ultimately recovered in rates as a business expense for the affected businesses. The PUCO states that the adverse impact to business is justified to govern the furnishing of water and the disposal of sewage and to set forth the rights and obligations of companies and customers.

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.