



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 – Telephone Company Procedures and Standards (OAC 4901:1-6-01, 4901:1-6-02, 4901:1-6-03, 4901:1-6-04, 4901:1-6-05, 4901:1-6-06, 4901:1-6-07, 4901:1-6-08, 4901:1-6-09, 4901:1-6-10, 4901:1-6-11, 4901:1-6-12, 4901:1-6-13, 4901:1-6-14, 4901:1-6-15, 4901:1-6-16, 4901:1-6-17, 4901:1-6-18, 4901:1-6-19, 4901:1-6-20, 4901:1-6-21, 4901:1-6-22, 4901:1-6-23, 4901:1-6-24, 4901:1-6-25, 4901:1-6-26, 4901:1-6-27, 4901:1-6-28, 4901:1-6-29, 4901:1-6-30, 4901:1-6-31, 4901:1-6-32, 4901:1-6-33, 4901:1-6-34, 4901:1-6-35, 4901:1-6-36, and 4901:1-6-37)

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This rule package consists of twenty-eight amended rules, eight no-change rules, and one rescinded rule proposed by the Public Utilities Commission of Ohio (PUCO). This rule package was submitted to the CSI Office on December 2, 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 2, 2022.

Ohio Administrative Code (OAC) 4901:1-6 establishes the procedures and standards for telephone companies in the state of Ohio. OAC 4901:1-6-01, 4901:1-6-02, 4901:1-6-03, 4901:1-6-04, 4901:1-6-07, 4901:1-6-08, 4901:1-6-09, 4901:1-6-10, 4901:1-6-11, 4901:1-6-14, 4901:1-6-15, 4901:1-6-16, 4901:1-6-18, 4901:1-6-19, 4901:1-6-20, 4901:1-6-22, 4901:1-6-23, 4901:1-6-24, 4901:1-6-25, 4901:1-6-26, 4901:1-6-27, 4901:1-6-28, 4901:1-6-30, 4901:1-6-31, 4901:1-6-32, 4901:1-6-35,

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4901:1-6-36, and 4901:1-6-37 are amended to reduce regulatory restrictions, particularly those duplicative of the Revised Code and/or the Code of Federal Regulations. The rules are also amended to be more consistent with determinations of the Federal Communications Commission and to update titles for specific PUCO departments, divisions, and positions. No revisions are proposed for OAC 4901:1-6-05, 4901:1-6-06, 4901:1-6-12, 4901:1-6-13, 4901:1-6-21, 4901:1-6-29, 4901:1-6-33, and 4901:1-6-34. OAC 4901:1-6-17 is rescinded as its contents are moved to OAC 4901:1-6-02(I) and 4901:1-6-16(E).

During early stakeholder outreach, the PUCO issued an Entry in Case No. 22-829-TP-ORD to seek comments from stakeholders from October 19, 2022, through November 10, 2022, regarding proposed revisions to OAC 4901:1-6. The Entry was served upon the Ohio Telecom Association (OTA), the Ohio Cable Telecommunications Association (OCTA), the Ohio Consumers' Counsel, the telephone industry listserv, and other interested persons. The PUCO received comments during this time period from the OCTA and the OTA. The OCTA and OTA argued that some provisions should be deleted due to redundancy while others should be revised to be more consistent with federal law or regulations, to clarify which actions are required and which are simply permitted, or to simply update grammar. The PUCO accepted some of the OCTA's and OTA's recommendations while denying others.

The business community impacted by the rules includes regulated telephone companies. The adverse impacts created by the rules include procedural requirements, application filing requirements, providing customer notices, and furnishing the PUCO with information. According to the PUCO, the revisions to the rules were drafted in an effort to minimize these impacts and improve readability. The PUCO states that the adverse impacts to business are justified to implement ORC requirements regarding retail telecommunications services.

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.