



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Joseph Baker, Director

MEMORANDUM

TO: Jeff Jones, Public Utilities Commission of Ohio

FROM: Jacob Ritzenthaler, Business Advocate

DATE: March 8, 2023

RE: **CSI Review – Fuel Emergency (OAC 4901:5-19-01 through 4901:5-19-05)**

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This rule package consists of three amended rules, one no-change rule, and one new rule that replaces one rescinded rule proposed by the Public Utilities Commission of Ohio (PUCO) as part of the statutory five-year review process.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 January 17, 2023, and the public comment period was held open through January 27, 2023. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on January 17, 2023.

Ohio Administrative Code (OAC) Chapter 4901:5-19 establishes requirements for electric power producers and electric providers in the event of critical shortages or interruptions of electric power. OAC 4901:5-19-01 lists definitions used throughout the chapter and is proposed without changes. OAC 4901:5-19-02 contains general provisions, including requirements for electric power producers to submit weekly reports of supply adequacy during an emergency and actions allowable for PUCO when an emergency is imminent. The rule is amended to update the information provided in reports to include the following information: megawatt output under normal operating conditions, expected megawatt output during an emergency, amount of fuel on hand, amount of fuel procured to continue emergency operations, and average daily consumption rate of fuel to operate during an emergency.

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OAC 4901:5-19-03 concerns enforcement of rules on the Governor's instruction and is amended to remove unnecessary regulatory restrictions. OAC 4901:5-19-04 concerns actions that may be required of electric providers in anticipation of an imminent energy emergency, including consumer notification, issuing periodic reports, and implementing fulfillment and reallocation methods. The rule is amended to remove unnecessary regulatory restrictions. OAC 4901:5-19-05 lists the actions that are taken upon energy emergency declaration and is amended to the extent that the rule is replaced by a new rule of the same rule number. Amendments to the rule clarify language related to usage reductions, requirements for electric providers to issue periodic bulletins that inform consumer response to mandatory energy curtailment, provider reports to PUCO that estimate anticipated and actual load in kilowatt-hours and estimates of fuel savings, and mandatory curtailment of electricity use.

During early stakeholder outreach, PUCO conducted a workshop where the proposed rules were discussed, with invitees from energy utilities, professional associations, and other relevant industries. No comments were received during that time or during the CSI public comment period.

The business community impacted by the rules includes electric power producers and providers, distribution utilities, municipal utilities, electric cooperatives, and services companies. The adverse impacts created by the rules include requirements for reporting to PUCO and notifying consumers in the event of an imminent shortage. PUCO estimates the time spent complying with these requirements to be minimal, as they require the reporting of information only in the event of an impending or actual energy emergency. PUCO states that the adverse impacts are necessary to ensure the safety and health of the public during an energy emergency.

Recommendations

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

Conclusion

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