



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: February 6, 2023

RE: CSI Review – Electrical Safety and Service Standards (OAC 4901:1-10-01, 4901:1-10-02, 4901:1-10-03, 4901:1-10-04, 4901:1-10-05, 4901:1-10-06, 4901:1-10-07, 4901:1-10-08, 4901:1-10-09, 4901:1-10-10, 4901:1-10-11, 4901:1-10-12, 4901:1-10-13, 4901:1-10-14, 4901:1-10-15, 4901:1-10-16, 4901:1-10-17, 4901:1-10-18, 4901:1-10-19, 4901:1-10-20, 4901:1-10-21, 4901:1-10-22, 4901:1-10-23, 4901:1-10-24, 4901:1-10-26, 4901:1-10-27, 4901:1-10-28, 4901:1-10-29, 4901:1-10-30, 4901:1-10-31, 4901:1-10-32, 4901:1-10-33, 4901:1-10-34, and 4901:1-10-35)

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 twenty-four amended rules and ten no-change rules proposed by the Public Utilities Commission of Ohio (PUCO). This rule package was submitted to the CSI Office on November 2, 2022, and the public comment period was held open through November 30, 2022. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on November 2, 2022.

Ohio Administrative Code (OAC) 4901:1-10 sets forth the electrical service and safety standards for the uniform and reasonable practices of electric utilities. OAC 4901:1-10-01, 4901:1-10-02, 4901:1-10-03, 4901:1-10-05, 4901:1-10-08, 4901:1-10-09, 4901:1-10-10, 4901:1-10-11, 4901:1-10-12, 4901:1-10-14, 4901:1-10-17, 4901:1-10-20, 4901:1-10-21, 4901:1-10-22, 4901:1-10-23, 4901:1-10-24, 4901:1-10-26, 4901:1-10-27, 4901:1-10-28, 4901:1-10-29, 4901:1-10-31, 4901:1-10-33, 4901:1-

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10-34, and 4901:1-10-35 are amended to reduce regulatory restrictions, update language, eliminate redundancies, and correct typographical errors. No revisions are proposed for OAC 4901:1-10-04, 4901:1-10-06, 4901:1-10-07, 4901:1-10-13, 4901:1-10-15, 4901:1-10-16, 4901:1-10-18, 4901:1-10-19, 4901:1-10-30, and 4901:1-10-32. An appendix referenced in the rules and containing information that must be included among an electric utility's environmental disclosure data is attached and amended to remove references to radioactive waste.

During early stakeholder outreach, the PUCO issued an Entry on November 2, 2022, in Case No. 22-872-EL-ORD to all investor-owned electric utilities and certified competitive retail electric service providers in Ohio in order to solicit comments for the purpose of amending rules in OAC 4901:1-10. Notice was also served upon the electric-energy industry listserv. The PUCO encouraged stakeholders wishing to provide input to submit comments during the CSI public comment period. During the CSI public comment period, the PUCO received comments from the Ohio Power Company dba AEP Ohio (AEP Ohio), Duke Energy Ohio, Inc. (Duke), the Retail Energy Supply Association (RESA), Interstate Gas Supply, Inc. (IGS), The Dayton Power and Light Company dba AES Ohio (AES Ohio), and Direct Energy Services, LLC, Direct Energy Business, LLC, Reliant Energy Northeast LLC, XOOM Energy Ohio, LLC, and Stream Ohio Gas & Electric, LLC (collectively referred to as the "Suppliers").

AEP Ohio proposed that the PUCO adopt the system average interruption duration index (SAIDI) as the minimum performance service reliability index in place of the current two indices, exclude outages resulting from the public from the performance index/indices, require that electric utilities report their five percent worst performing circuits instead of their eight percent worst performing circuits, add a provision to reflect that all competitive retail electric service (CRES) provider charges for electricity be readily comparable to the price-to-compare, provide customers the ability to prohibit the switching their account to a CRES provider, codify the ruling in Case No. 21-1209-EL-WVR regarding the disclosure of granular customer energy usage data, and make additional amendments with respect to net metering rules and consolidated billing requirements. AES Ohio supported AEP Ohio's proposals concerning SAIDI and reporting the worst performing circuits. Conversely, RESA, IGS, and the Suppliers opposed the AEP Ohio's proposals on the grounds that they were unrelated to the scope of the review, while Duke stated that such recommendations would require significant technical efforts and consequently ample time to implement them. The PUCO declined to make the substantive changes proposed by AEP Ohio. Duke suggested revisions that would give the PUCO flexibility with respect to bill determinant applicability on a case-by-case basis as part of the bill format approval process. The PUCO declined to adopt this change as well due to it being outside the scope of the review. Duke also proposed a clarification regarding the tamper exclusion, which the PUCO accepted. Additionally, Duke recommended the addition of language clarifying that instances where a utility can document a lack of access to the premises would be exempt from being included in its new service or upgrade monthly percentage completion calculation. The PUCO rejected this

suggestion, saying that its staff investigates instances where a new service installation or upgrade could not be completed. Duke expressed opposition to the deletion of a provision regarding a non-billing CRES provider furnishing required bill contents to a billing party in a timely fashion and in a mutually agreed upon electronic format for inclusion in the consolidated customer bill, asserting that it would permit CRES providers to provide such information in any format and on any timetable. AEP Ohio stated that it was not opposed to this deletion if the PUCO could confirm that all billing information from CRES providers would be received in a timely fashion. The PUCO maintained the deletion of the provision, noting that certified supplier tariffs already require CRES providers to provide applicable billing content information in a timely manner and address the electronic format in which such information must be included. Finally, the PUCO corrected a typographical error that it noticed on its own.

The business community impacted by the rules includes electric utilities, customer-generators, and transmission owners. The adverse impacts created by the rules include record and information retention regarding equipment and facilities, complying with minimum standards for the provision of electric service, and developing procedures to be implemented in the event that provision of electric service does not comply with the standards imposed by the PUCO. According to the PUCO, the aforementioned entities will have to expend resources financially and in terms of time to comply with the requirements of the rules. The PUCO notes, however, that the purpose of the revisions is to reduce regulatory restrictions. The PUCO states that the adverse impacts to business are justified to comply with ORC and federal requirements and to promote safe and reliable energy service to consumers and the public.

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.