

4901:1-26-04

Arbitration.

- (A) If all parties to the pending formal complaint agree that the dispute (or a portion thereof) should be resolved through arbitration, the parties may jointly file a request with the commission to stay the proceeding pending the arbitration, outlining with sufficient specificity the issues for which arbitration is being sought. In the joint request, the parties may seek to have the commission assign its personnel to be the arbitrator or the parties may request that the issues to be arbitrated be assigned to a commission-approved, certified arbitration process approved pursuant to paragraph (G) of this rule.
- (B) If commission personnel is not the arbitrator, the parties will notify the commission once they have engaged the arbitrator.
- (C) Any arbitration award will be made in writing and served upon the parties by the arbitrator.
- (D) Arbitrations conducted under this rule are subject to Ohio confidentiality statutes (e.g., Chapter 2710. of the Revised Code). By electing arbitration under this rule, no appeals of any intermediary rulings made by the arbitrator are permitted.
- (E) If the parties accept the arbitration award, a copy of the arbitration award need not be filed with the commission. The parties' joint motion to dismiss the complaint (or involved portion thereof) should be filed within thirty calendar days of the issuance of the arbitration award, in light of their acceptance of the award.
- (F) When commission personnel acts as the arbitrator, the parties will be bound by the arbitration award, except as described in this provision. Within thirty calendar days of the issuance of an arbitration award, any party to the arbitration may seek commission review of the arbitration award, but such review will be limited to ascertaining the existence of any grounds identified in Chapter 2711. of the Revised Code, such as fraud, corruption, misconduct, impropriety, or mistake by the arbitrator. The commission may impose a briefing schedule or other procedure, where appropriate. Upon consideration of the review request, the commission may confirm, vacate, modify or enforce the arbitration award. If the commission vacates the arbitration award (in whole or in part), the commission will specify whether the matter should be remanded to the same arbitrator. Any commission decision to confirm, vacate, modify or enforce the arbitration award under this provision is subject to rehearing pursuant to section 4903.10 of the Revised Code, and any final commission decision is subject to appeal pursuant to section 4903.13 of the Revised Code.
- (G) Electric utilities, electric service companies, electric cooperatives, and governmental aggregators may file an application with the commission seeking certification to use a proposed commercial arbitration process for any class of formal complaints or for

all potential formal complaints. The commission staff will review such an application seeking certification to use a commercial arbitration process and recommend to the commission whether the application should be approved. The commission may approve such an application if the commission is satisfied that the commercial arbitration process is fair, cost-effective, and does not result in prejudice against any potential future parties. By approving an application pursuant to this provision, the commission retains the right to evaluate, in each individual formal complaint proceeding, whether to grant a request to stay the formal complaint proceeding pending arbitration.

Five Year Review (FYR) Dates: 6/24/2024 and 06/24/2029

CERTIFIED ELECTRONICALLY

Certification

06/24/2024

Date

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