



## 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:** December 29, 2022

**RE:** **CSI Review – Green Pricing Programs (OAC 4901:1-42-01, 4901:1-42-02, and 4901:1-42-03)**

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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 two amended rules and one no change rule proposed by the Public Utilities Commission of Ohio (PUCO). This rule package was submitted to the CSI Office on October 19, 2022, and the public comment period was held open through November 2, 2022. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on October 19, 2022.

Ohio Administrative Code (OAC) Chapter 4901:1-42 establishes requirements for green pricing programs, which allow competitive retail electric services and electric distribution utilities to market based on fuel source or emission profile. The rules in this package set forth definitions that are relevant to the chapter, the purpose and scope of the rules, and general requirements. Amendments to the rules are being made to remove unnecessary regulatory restrictions.

During early stakeholder outreach, PUCO issued an Entry to all Ohio electric distribution utilities, all Ohio certified competitive retail electric service providers, and the Ohio Consumers' Counsel. No comments were received during that time or during the CSI public comment period.

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The business community impacted by the rules includes electric utilities and service providers that participate in green pricing programs. The adverse impact created by the rules is primarily the time and effort spent by businesses to notify PUCO of program compliance. PUCO states that the adverse impact created by the rules is necessary to comply with state statute and to maintain the performance of green pricing programs.

### **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.