

The Rule-Making Process



National
Association of
Regulatory
Utility
Commissioners

Ohio

**Public Utilities
Commission**

Overview

- Section 4901.13 Ohio Revised Code empowers the PUCO to a) adopt and publish rules to govern proceedings, and b) regulate the manner by which audits, valuations, tests, inspections, investigations and hearings are conducted.
- Rules that are adopted by the PUCO and that are approved by the Joint Committee on Agency Rule Review (JCARR) are codified in Ohio Administrative Code.
- The PUCO is required to review each of its rules every five years.

New and Pending Rule Changes

- Proposals for new rules or modifications to existing rules are generally initiated by the PUCO in a rule-making proceeding designated with an “ORD” case.
- The Staff will generally propose new rules or revisions to existing rules in a Commission Entry.
- Interested Parties will comment and may reply to comments (if comments are received) on the rules.
- After all comments and reply comments have been considered, the PUCO will issue an Order adopting the proposed rules, and directing the rules to be filed with JCARR.
- Parties may file for re-hearing or appeal to the Ohio Supreme Court.

Rules Adopted by Commission and Filed with JCARR

- Once new rules or changes to existing rules are approved by the PUCO, they are filed with JCARR, the Legislative Service Commission (LSC), and the Secretary of State.
- The LSC has 30 days to review the proposed rules for compliance of the rules with the LSC Rules Drafting Manual
- JCARR's review is to ensure that a) the rules do not exceed the commission's statutory authority, b) the rules do not conflict with other PUCO rules, c) the rules do not conflict with the intent of the legislature in enacting the statute under which the rule is proposed, and d) the PUCO has submitted a complete and accurate summary and fiscal analysis of the proposed rule, amendment, or rescission.