



Ohio Administrative Code

Rule 4901-1-28 Reports of investigation and objections thereto.

Effective: April 11, 2024

(A) In all rate proceedings in which the commission is required by section 4909.19 of the Revised Code to conduct an investigation, a written report of such investigation will be filed with the commission and served upon all parties. The report is deemed to be admitted into evidence as of the time it is filed with the commission, but all or part of such report may subsequently be stricken, upon motion of the commission, the legal director, the deputy legal director, or the ALJ assigned to the case, or upon motion of any party for good cause shown. Any person making or contributing to the report may be subpoenaed to testify at the hearing in accordance with rule 4901-1-25 of the Administrative Code, but the unavailability of such persons does not affect the admissibility of the report.

(B) Any party may file objections to a report of investigation described in paragraph (A) of this rule, within thirty days after such report is filed with the commission. Such objections may relate to the findings, conclusions, or recommendations contained in the report, or to the failure of the report to address one or more specific items. All objections must be specific. Any objections that fail to meet this requirement may be stricken upon motion of any party or the commission staff or upon motion of the commission, the legal director, the deputy legal director, or the ALJ. Except for rate proceedings, if the commission staff modifies any portion of the report after objections are filed, then any party may raise new objections in response to such modification within 15 days after such modification is filed with the commission.

(C) The objections to the report described in paragraph (A) of this rule, shall frame the issues in the proceeding, although the commission, the legal director, the deputy legal director, or the ALJ may designate additional issues or areas of inquiry. Unless otherwise ordered by the commission, the legal director, the deputy legal director, or the ALJ, all material findings and conclusions set forth in the report to which no objection has been filed are deemed admitted for purposes of the proceeding. At the hearing, any party who has filed objections may present evidence in support of those objections. The commission or the presiding hearing officer may, in their discretion, permit the parties to present evidence or conduct cross-examination concerning additional issues. Any party



may present rebuttal testimony in response to direct testimony or other evidence presented by any other party or by the commission staff, unless otherwise ordered by the commission, the legal director, the deputy legal director, or the ALJ.

(D) In a rate case proceeding, an objection to a staff report will be deemed withdrawn if a party fails to address the objection in its initial brief.

(E) Unless otherwise ordered by the commission, in all other cases in which the commission orders an investigation to be performed by staff and the filing of a report, the report is deemed admitted into evidence at the time it is filed with the commission, but all or part of such report may subsequently be stricken upon motion of the commission, the legal director, the deputy legal director, or an ALJ, or upon motion of any party for good cause shown. If a staff report described in this paragraph is admitted into evidence, interested persons will have some opportunity, to be determined by the commission, to submit testimony, file comments, or file objections to the report. If a hearing is scheduled in the case in which the report is filed, any person making or contributing to the report may be subpoenaed to testify at the hearing in accordance with paragraph (A) of rule 4901-1-25 of the Administrative Code, but the unavailability of such persons does not affect the admissibility of the report. Objections or comments to a report described in this paragraph should not be filed unless directed by the commission, the legal director, the deputy legal director, or the ALJ.