



Ohio Administrative Code Rule 4901:1-16-12 Commission proceedings.

Effective: June 20, 2023

(A) The commission may initiate a gas pipeline safety proceeding after:

- (1) An incident has occurred.
- (2) A notice of probable noncompliance is served.
- (3) A notice of hazardous facility is served.

(B) The commission shall conduct gas pipeline safety proceedings in accordance with Chapter 4901-1 of the Administrative Code.

(C) Unless otherwise ordered by the commission or an attorney examiner assigned to the gas pipeline safety proceeding, the staff shall file with the commission and serve upon the operator a written report of investigation in each gas pipeline safety proceeding within ninety days after service of the entry which initiates the gas pipeline safety proceeding. The gas pipeline safety investigative report shall include: staff findings on any alleged incident, noncompliances, hazardous conditions, or violation of a commission order, whether included in any initial notice or amended notice; staff's findings on operator policies and practices; and the staff's recommendations.

(D) The commission shall hold an evidentiary hearing to consider the alleged incident(s), noncompliances, hazardous conditions and violations of a commission order. The hearing may include evidence on the issues of corrective action and compliance orders, forfeitures, enforcement of a commission order, and other remedies.

(E) The staff shall prove the occurrence of an incident, noncompliance, hazardous condition of a facility, or violation of a commission order by a preponderance of the evidence.

(F) If, after a hearing, the commission finds an operator has violated or is violating an applicable



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provision of the pipeline safety code, the commission may consider all factors set forth in section 4905.95 of the Revised Code, including when determining the amount of any proposed civil forfeiture. In addition, the commission may order an operator to terminate service to an operator of a master meter system who has violated the pipeline safety code.

(G) This rule shall not apply to emergency orders approved by the commission under paragraph (C) of rule 4901:1-16-13 of the Administrative Code.