



Ohio Administrative Code Rule 4901:1-23-05 Commission proceedings.

Effective: July 15, 2024

(A) The commission may initiate a compliance or other proceeding upon its own initiative, or after an incident has occurred, after a complaint is filed pursuant to section 4905.26 of the Revised Code, or after a staff notice of probable noncompliance is served.

(B) Such compliance or other proceedings will be conducted in accordance with Chapter 4901-1 of the Administrative Code.

(C) Unless otherwise ordered by the commission or an attorney examiner assigned to the proceeding, the staff shall file with the commission and serve upon the electric utility or competitive retail electric service (CRES) provider a written report of investigation (investigative report) in each proceeding, within forty-five calendar days after the commission issues an entry initiating a compliance proceeding. The investigative report shall present:

(1) The findings on any alleged noncompliance specified in any staff notice or amended staff notice, which may include:

(a) Noncompliances not included in any staff notice or amended staff notice, provided that such additional noncompliances relate to the same incident, investigation, or safety audit(s) referenced in the initial or amended staff notice.

(b) Staff's findings on the electric utility or CRES provider's practices and policies.

(2) Staff's recommendations for commission action.

(D) The commission shall hold an evidentiary hearing on all proceedings initiated under this rule. The hearing may include evidence on the issues of proposed corrective action, compliance orders issued by the commission, forfeitures, enforcement of a commission order, and other remedies.



(E) If, after a hearing, the commission finds an electric utility or CRES provider has violated or is violating Chapter 4928. of the Revised Code, or Chapter 4901:1-21 or 4901:1-10 of the Administrative Code, this chapter, or any order adopted thereunder, the commission, by order:

(1) Shall require the electric utility or CRES provider to comply with Chapter 4928. of the Revised Code, Chapter 4901:1-21 or 4901:1-10 of the Administrative Code, this chapter, or any commission order thereunder, and to undertake corrective action necessary to protect the public safety, reliability, and customer service. The commission is not restricted in the making of the compliance order by the terms of any proposed corrective action and/or forfeiture by staff.

(2) May assess forfeitures upon an electric utility or CRES provider of not more than ten thousand dollars for each day of each violation.

(3) May direct the attorney general to seek enforcement of commission orders, including orders authorizing forfeitures, and appropriate remedies in court.

(4) May determine other appropriate remedies to protect the public safety, reliability, and customer service.