



Ohio Administrative Code

Rule 4906-2-02 Filing of pleadings and other documents.

Effective: December 11, 2015

(A) General provisions

- (1) The principal office of the board is located within the office of the public utilities commission of Ohio. The official address of the board is: 180 East Broad street, Columbus, Ohio 43215-3793.
- (2) Filings for the board shall be addressed to: "Ohio Power Siting Board, Docketing Division, 180 East Broad Street, Columbus, Ohio 43215-3797."
- (3) The internet address of the docketing division is <http://dis.puc.state.oh.us>.
- (4) The docketing division is open from seven-thirty a.m. to five-thirty p.m., Monday through Friday, except on state holidays.
- (5) Except as discussed in paragraph (D) of this rule, no document shall be considered filed with the board until it is received and date-stamped by the docketing division.
- (6) The board reserves the right to redact any material from a filed document prior to posting the document on the docketing information system if the board finds the material to be confidential personal information, a trade secret, or inappropriate for posting to its website.
- (7) A party seeking to consolidate a new case with one or more previously filed cases, or with cases being concurrently filed, shall file a motion to consolidate the cases.

(B) Paper filing

- (1) All applications, complaints, reports, pleadings, or other documents to be paper filed with the board shall be mailed or delivered to the docketing division at the address shown in paragraph (A) of this rule. In addition to the original, any person paper filing a document for inclusion in a case file



must submit the required number of copies of the document. Information regarding the number of copies required by the board is available under procedural filing requirements on the docketing information system website, by calling the docketing division at 614-466-4095, or by visiting the docketing division at the offices of the commission. As an alternative, a filer may submit twenty copies of the filing. Failure to submit the required copies may result in the document being stricken from the case file. An administrative law judge may require a party to provide additional paper copies of any filed document.

(2) Unless a request for a protective order is made in accordance with rule 4906-2-21 of the Administrative Code, concurrent with or prior to receipt of the document by the docketing division, any document filed with the docketing division will be made publicly available on the docketing information system.

(C) Facsimile transmission (fax) filing

A person may file documents with the board via fax under the following conditions:

(1) The following documents may not be delivered via fax:

(a) The application or other initial pleading that is responsible for the opening of a case.

(b) Any document for which protective or confidential treatment is requested under rule 4906-2-21 of the Administrative Code.

(c) A notice of appeal of a board order to the Ohio supreme court filed pursuant to section 4903.13 of the Revised Code or service of that notice upon the chairman.

(2) All documents sent via fax must include a transmission sheet that states the case number, case title, date of transmission, number of pages, brief description of the document, and the name and telephone number of the sender.

(3) The originator of a fax document must contact the docketing division at (614) 466-4095 prior to sending a fax. A person must notify the docketing division of its intent to send a document by fax by



five p.m. on the date the document is to be sent. The person must be prepared to commence transmission at the time the docketing division is notified.

(4) All documents must be sent to the fax machine in the docketing division at (614) 466-0313. If that machine is inoperable, directions for alternative arrangements will be given when the originator calls to commence a fax. Unrequested documents sent to any of the board's other facsimile machines will not be relayed to the docketing division by board employees.

(5) Excluding the transmission sheet, all documents transmitted by fax must be thirty pages or less.

(6) All documents must be legible when received. Illegible documents received via fax will not be filed. If the document is illegible, the docketing division will attempt to contact the sender to resolve the problem. The person making a fax filing shall bear all risk of transmission, including all risk of equipment, electric, or telephonic failure or equipment overload or backup. Any document sent by fax that is received in whole or in part after five-thirty p.m. will be considered filed the next business day.

(7) No document received via fax will be given confidential treatment by the board.

(8) If a document is delivered via fax, the party must make arrangements for the original signed document and the required number of copies of the pleading to be delivered to the board no later than the next business day. Failure to comply with this requirement may result in the document being stricken from the case file.

(9) Because a document sent to the board by fax will be date-stamped, and thus filed, the day it is received by the docketing division, the originator of the document shall serve copies of the document upon other parties to the case no later than the date of filing.

(D) Electronic filing (e-file)

A person may e-file documents with the board under the following conditions:

(1) All filings must comply with the electronic filing manual and technical requirements at the



docketing information system website and any additional guidelines provided by the board.

(2) All filings must be searchable and the electronic file must be able to be reproduced in hard copy at the same quality as the original.

(3) The following documents shall not be delivered via e-filing:

(a) Any document for which protective or confidential treatment is requested under rule 4906-2-21 of the Administrative Code.

(b) A notice of appeal of a board order to the Ohio supreme court filed pursuant to section 4903.13 of the Revised Code or service of that notice upon the chairman.

(4) An applicant may electronically file a certificate application pursuant to section 4906.06 of the Revised Code, provided that the applicant provides ten computer disks, each containing the full electronic copy of the application. The applicant also shall submit five complete paper copies of the application to the docketing division on the same day that an e-filing of the application is made and will be expected to provide additional paper copies or disk copies upon request.

(5) Provided that a document is not subsequently rejected by the docketing division, an e-filed document will be considered filed as of the date and time recorded on the confirmation page that is electronically inserted as the last page of the filing upon receipt by the docketing division, except that any e-filed document received after five-thirty p.m. shall be considered filed at seven-thirty a.m. the next business day. The docketing division may reject any filing that does not comply with the electronic filing manual and technical requirements, is unreadable, includes anything deemed inappropriate for inclusion on the docketing information system, or is submitted for filing in a closed or archived case. If an e-filing is rejected by the docketing division, an email message will be sent to inform the filer of the rejection and the reason for the rejection.

(6) If an e-filing is accepted, notice of the filing will be sent via electronic mail to all persons who have electronically subscribed to the case, including the filer. This email notice will constitute service of the e-filed document upon those persons electronically subscribed to the case. Upon receiving the email notice that the e-filed document has been accepted by the docketing division, the



filer shall serve copies of the document in accordance with rule 4906-2-05 of the Administrative Code upon parties to the case who are not electronically subscribed to the case.

(7) The docketing division closes at five-thirty p.m. To allow time for same-day review and acceptance of e-filings, persons making e-filings are encouraged to make their filings by no later than four p.m.

(8) The person making an e-filing shall bear all risk of transmitting a document including, but not limited to, all risk of equipment, electric, or internet failure.

(9) If an electronic filing of a certificate application cannot be made due to electronic or other problems that prevent either all or part of the certificate application to go through the docketing division equipment, the applicant shall file the five paper copies of the certificate application, fifteen computer disks containing the complete application, and a geographic information systems map disk with the docketing division in lieu of the electronic filing. The applicant will then have an additional one business day either to complete the electronic filing of the certification application or to provide fifteen more paper copies of the certificate application unless a longer period is granted by the administrative law judge. If the additional paper copies are made timely, the certificate application shall be considered filed on the day the electronic filing could not be made but the five paper copies, the fifteen disks, and the geographic information systems disk were filed.

(10) E-filed documents must be complete documents. Appendices or attachments to an e-filed document may not be filed by other methods without prior approval. Large documents may be e-filed in parts as long as all parts are e-filed on the same day.

(11) Except as otherwise provided by this rule or directed by an administrative law judge, a person filing a document electronically need not submit any paper copy of an e-filed document to the docketing division.

(E) The docketing division designates the status of each case under the case number and case name on the docket card. As discussed in this rule, attempts to make filings in certain designated cases will be denied.



- (1) An open case is an active case in which filings may be made.

- (2) A closed case is one in which no further filings may be made without the consent of the administrative law judge. When a case is closed, any person seeking to make a filing in a case must first contact the administrative law judge assigned to the case. If the administrative law judge agrees to permit the filing, the docketing division will be notified to reopen the case. If an additional filing is permitted, the case status will be changed to open and service of the filing must be made by the filer upon the parties to the case in accordance with rule 4906-2-05 of the Administrative Code.

- (3) An archived case is a closed case that will not be reopened and in which no further filings will be permitted. If additional activity is thereafter required on any matter addressed in an archived case, the board will open a new case and designate the new case as a related case. The docketing information system displays for each case a related cases tab to provide a link to related cases.

- (4) A reserved case is one set aside for future use. No filings should be made in the case until the party for who it was reserved makes an initial filing.

- (5) A void case is one that was opened in error and no documents may be filed in it.