



**JOHN R. KASICH**  
GOVERNOR  
STATE OF OHIO

### **Executive Order 2011-27K**

The Emergency Amendment of Rule 122:5-3-02 of the Ohio Administrative Code  
by the Ohio Department of Development

**WHEREAS**, Section 4928.53 of the Ohio Revised Code authorizes the Director of the Ohio Department of Development to administer low-income customer assistance programs, including the percentage of income payment plan (PIPP) program that provides utility payment assistance to eligible Ohio utility customers.

**WHEREAS**, in 2010, the Ohio Department of Development amended PIPP eligibility rules to require Ohioans who re-enroll in PIPP (after they were dropped from the program for failing to pay their portion of electric utility bills) to pay their missed PIPP installments before re-enrolling in the program. Those amended rules went into effect on November 1, 2011.

**WHEREAS**, on October 17, 2011, the Public Utilities Commission of Ohio (PUCO) issued a winter reconnect order allowing eligible Ohioans who have had their utilities disconnected to apply or reapply to the PIPP program and have their utilities reconnected for the winter heating season.

**WHEREAS**, the adoption of a transition rule by the Ohio Department of Development would harmonize the Department's and PUCO's PIPP rules for the 2011-2012 heating season and bring increased parity to the eligibility and program rules for PIPP electricity and gas programs, which are managed by the Ohio Department of Development and PUCO, respectively.

**WHEREAS**, Section 4928.53 of the Ohio Revised Code authorizes the Director of the Ohio Department of Development to promulgate rules in accordance with Chapter 119 of the Ohio Revised Code for prescribing criteria for customer eligibility in PIPP.

**WHEREAS**, Section 119.03(F) of the Ohio Revised Code authorizes the Governor, on the request of a state agency, to suspend the normal rule making procedures with respect to specific rules when an emergency exists necessitating the immediate adoption, amendment, or rescission of such rules. When such a determination is made, the agency may immediately adopt, amend, or rescind such rules, but the rules are only valid for ninety (90) days.

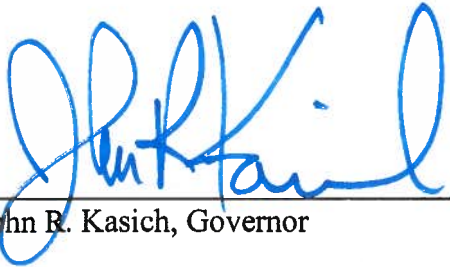
**WHEREAS**, the Ohio Department of Development has requested a determination whether an emergency exists that requires the immediate amendment of Rule 122:5-3-02 of the Ohio Administrative Code in order for the Ohio Department of Development, pursuant to Section 4928.53 of the Ohio Revised Code, to implement a transition rule for the 2011-2012 winter heating system for the PIPP program.

**NOW THEREFORE**, I, John R. Kasich, Governor of the State of Ohio, have determined, upon the request of the Ohio Department of Development, that an emergency exists requiring the immediate amendment of Rule 122:5-3-02 of the Ohio Administrative Code by the Ohio Department of Development. Further, I hereby order that the procedures prescribed by Section 119.03 of the Ohio Revised Code with respect to the amendment of such specified rule be suspended and the Ohio Department of Development be permitted to immediately amend this rule by electronically filing it with the Secretary of State, the Director of the Legislative Service Commission, and the Joint Committee on Agency Rule Review.

Further, I hereby order that this Executive Order be filed in electronic form with the Ohio Department of Development, the Secretary of State, the Director of the Legislative Service Commission, and the Joint Committee on Agency Rule Review.

I signed this Executive Order on November 7, 2011 in Columbus, Ohio, and it will expire at the end of the ninetieth day it is in effect.



  
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John R. Kasich, Governor

ATTEST:

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Jon Husted, Secretary of State