



Ohio Administrative Code Rule 4901:1-26-03 Mediation.

Effective: June 12, 2023

(A) Any party to a pending formal complaint may ask the commission to mediate that matter by notifying the chief of the electric section of the commission's legal department in writing and serving a copy of the mediation request on the other party in the case.

(B) The other party to the pending formal complaint may provide a response within seven business days of service of the request for mediation. Any such response should also be served simultaneously upon the party requesting the mediation.

(C) The commission will appoint a mediator, who is independent of the parties, to conduct the mediation. The mediator may be commission personnel. The mediator will promptly contact the parties in the case and establish a time to commence mediation. The mediator will work with the parties to establish an appropriate schedule and procedure for the mediation. The mediator may receive technical assistance from commission staff.

(D) The mediator's function is to impartially encourage voluntary settlement by the parties. The mediator may schedule meetings of the parties, direct the parties to prepare for those meetings, hold private caucuses with each party, request that the parties share information, attempt to achieve a mediated resolution, and, if successful, assist the parties in preparing a written agreement.

(E) Parties submitting to mediation under this rule agree to participate, in good faith, in the mediation process for a minimum of thirty calendar days after initiation of the mediation process by the mediator and for a maximum of forty-five calendar days, unless the mediator extends that time frame.

(F) Mediations conducted under this rule are subject to Ohio confidentiality statutes (e.g., Chapter 2710. of the Revised Code).

(G) A member of the commission or a commission employee who serves as mediator, by virtue of



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having served in such capacity, cannot serve in a decision-making role or as a witness on matters subject to mediation in a formal commission case involving the same parties and the same issues.