

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 4901:1-10-08

Rule Type: Amendment

Rule Title/Tagline: Electric utility emergency plans and coordination for restoration of electric service.

Agency Name: Public Utilities Commission of Ohio

Division: Utilities

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I. Rule Summary

1. **Is this a five year rule review?** No
 - A. **What is the rule's five year review date?** 9/30/2026
2. **Is this rule the result of recent legislation?** No
3. **What statute is this rule being promulgated under?** 111.15
4. **What statute(s) grant rule writing authority?** R.C. 4928.112, 4905.22, 4905.04, 4928.06, 4928.11
5. **What statute(s) does the rule implement or amplify?** R.C. 4905.06, 4905.22, 4905.28, 4928.11
6. **Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires?** No
 - A. **If so, what is the citation to the federal law or rule?** Not Applicable
7. **What are the reasons for proposing the rule?**

This rule is not a new proposal.

- 8. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

Ohio Adm.Code 4901:1-10-08 requires companies to provide and maintain emergency plans, to conduct comprehensive emergency exercise to test the plan, and to coordinate implementation of the plan with specific authorities and entities.

The revisions to this rule were made to comply with R.C. 121.951. The revisions to this rule did the following: removed rule with duplicate and/or redundant requirements; removed unnecessarily burdensome rules; rephrased rules to remove restrictions since the initial phrasing unintentionally created multiple restrictions when, in reality, the rule did not require the utility to perform additional tasks (e.g., rephrasing "policy and procedures" to just "procedures" in Ohio Adm.Code 4901:1-10-08(A)(10)).

- 9. Does the rule incorporate material by reference? Yes**
- 10. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

A portion of the rule incorporates material from the Ohio Administrative Code, which is exempted pursuant to R.C. 121.75(A)(1)(d). It also references North American electrical reliability standard, which are exempted under R.C. 121.75(B)(6).

- 11. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

Not Applicable

II. Fiscal Analysis

- 12. Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will increase expenditures.

N/A

This rule results in an increase in expenditures at the Commission. The regulated entities must provide to the Commission emergency plans. The Commission will allocate resources to review these plans as well and updates to the plans that are required as part of the rule.

A dollar estimate is not applicable due to the difficulty in allocating a specific dollar amount to review of these plans.

13. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?

Costs of compliance include compiling emergency plans that comply with all of the requirements within the rule, providing such plans to the Commission and updating the plans when necessary, conducting a comprehensive emergency test every three years, developing procedures related to implementing portions of the emergency plans, and coordinating restoration efforts with local authorities and entities.

14. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No

15. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No

16. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.

Not applicable.

III. Common Sense Initiative (CSI) Questions

17. Was this rule filed with the Common Sense Initiative Office? Yes

18. Does this rule have an adverse impact on business? Yes

A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? Yes

This rule assumes that the entity qualifies as an investor-owned electric utility or transmission owner. To operate within this field, there are several regulatory hurdles to clear to do so.

B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? Yes

Yes. This rule requires companies to provide and maintain emergency plans, to conduct comprehensive emergency exercise to test the plan, and to coordinate implementation of the plan with specific authorities and entities. Therefore, if

an entity fails to follow these requirements then the entity would potentially be subject to a proceeding initiated by the Commission to address the issue.

C. Does this rule require specific expenditures or the report of information as a condition of compliance? Yes

Yes. Specific expenditures include compiling emergency plans that comply with all of the requirements within the rule, providing such plans to the Commission and updating the plans when necessary, conducting a comprehensive emergency test every three years, developing procedures related to implementing portions of the emergency plans, and coordinating restoration efforts with local authorities and entities.

Yes, the regulated entities must provide emergency plans to the Commission, along with updates to that plan.

D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? Yes

Yes. See the above three answers, which outline what direct increase in expenses this rule will cause for regulated entities.

IV. Regulatory Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).

19. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? Yes

A. How many new regulatory restrictions do you propose adding to this rule? 1

4901:1-10-08(J): Added regulatory restriction requiring each electric utility to invite a cross-section of necessary stakeholders to its required comprehensive emergency exercise to test and evaluate major components of its emergency plan.

B. How many existing regulatory restrictions do you propose removing from this rule? 54

4901:1-10-08(A): Removed regulatory restriction requiring electric utilities to reference relevant documents in its emergency plan.

4901:1-10-08(A)(1): Removed regulatory restriction requiring electric utilities to include a mission statement in its emergency plan.

4901:1-10-08(A)(1): Removed regulatory restriction requiring electric utilities to include major objectives for its emergency plan.

4901:1-10-08(A)(5): Removed regulatory restriction requiring electric utilities to include identifying backup power supplies in its emergency plan.

4901:1-10-08(A)(5): Removed regulatory restriction requiring electric utilities to include identifying backup power supplies in its emergency plan.

4901:1-10-08(A)(7): Removed regulatory restriction requiring electric utilities to include procedures for utilizing other restoration assistance in its emergency plan.

4901:1-10-08(A)(8): Removed regulatory restriction requiring electric utilities to include provision of an informed estimate of materials and equipment required to restore service in its emergency plan.

4901:1-10-08(A)(8): Removed regulatory restriction requiring electric utilities to include provision of an informed estimate of personnel required to restore service in its emergency plan.

4901:1-10-08(A)(9): Removed regulatory restriction requiring electric utilities to include performance objectives for telephone response time to customer outage calls in its emergency plan.

4901:1-10-08(A)(9): Removed regulatory restriction requiring electric utilities to include procedures to accomplish response time objectives required by the rule in its emergency plan.

4901:1-10-08(A)(10): Removed regulatory restriction requiring electric utilities to include the policy for outage response in its emergency plan.

4901:1-10-08(A)(10): Removed regulatory restriction requiring electric utilities to include the policy for restoration of service by priority in its emergency plan.

4901:1-10-08(A)(10): Removed regulatory restriction requiring electric utilities to include the policy for outage response in its emergency plan.

4901:1-10-08(A)(10): Removed regulatory restriction requiring electric utilities to include the policy for a list of priorities for restoration of service in its emergency plan.

4901:1-10-08(A)(11): Removed regulatory restriction requiring electric utilities to include the policy for providing outage response and restoration of service updates to the county/regional emergency management directors in its emergency plan.

4901:1-10-08(A)(11): Removed regulatory restriction requiring electric utilities to include the policy for providing outage response and restoration of service updates to mayors in its emergency plan.

4901:1-10-08(A)(11): Removed regulatory restriction requiring electric utilities to include the policy for providing outage response and restoration of service updates to other elected officials in its emergency plan.

4901:1-10-08(A)(11): Removed regulatory restriction requiring electric utilities to include the policy for providing outage response and restoration of service updates to the Commission's outage coordinator in its emergency plan.

4901:1-10-08(A)(11): Removed regulatory restriction requiring electric utilities to include the policy for providing outage response and restoration of service updates to the Commission's media office in its emergency plan.

4901:1-10-08(A)(11): Removed regulatory restriction requiring electric utilities to include the policy for providing outage response and restoration of service updates to the media in its emergency plan.

4901:1-10-08(A)(11): Removed regulatory restriction requiring electric utilities to include the policy for providing outage response and restoration of service updates to the electric utility's customers in its emergency plan.

4901:1-10-08(A)(11): Removed regulatory restriction requiring electric utilities to include the procedure for providing outage response and restoration of service updates to the county/regional emergency management directors in its emergency plan.

4901:1-10-08(A)(11): Removed regulatory restriction requiring electric utilities to include the procedure for providing outage response and restoration of service updates to mayors in its emergency plan.

4901:1-10-08(A)(11): Removed regulatory restriction requiring electric utilities to include the procedure for providing outage response and restoration of service updates to other elected officials in its emergency plan.

4901:1-10-08(A)(11): Removed regulatory restriction requiring electric utilities to include the procedure for providing outage response updates.

4901:1-10-08(A)(11): Removed regulatory restriction requiring electric utilities to include the procedure for providing restoration of service updates.

4901:1-10-08(A)(12): Removed regulatory restriction requiring electric utilities to include the policy to verify that service has been restored in each outage area in its emergency plan.

4901:1-10-08(A)(13): Removed regulatory restriction requiring electric utilities to include the policy for providing maximum outage response in its emergency plan.

4901:1-10-08(A)(13): Removed regulatory restriction requiring electric utilities to include the policy for seeking outside assistance in its emergency plan.

4901:1-10-08(A)(13): Removed regulatory restriction requiring electric utilities to include the policy for restoring service in a worst-case scenarios in its emergency plan.

4901:1-10-08(A)(14): Removed regulatory restriction requiring electric utilities to include the policy to provide supervisors who are responsible for emergency response a copy of the latest edition of the emergency plan in its emergency plan.

4901:1-10-08(A)(15)(a): Removed regulatory restriction requiring electric utilities to include the policy to establish and maintain a liaison with appropriate fire departments within the electric utility's service territory in its emergency plan.

4901:1-10-08(A)(15)(a): Removed regulatory restriction requiring electric utilities to include the policy to establish and maintain a liaison with appropriate police departments within the electric utility's service territory in its emergency plan.

4901:1-10-08(A)(15)(b): Removed regulatory restriction requiring electric utilities to include the policy to identify major interruptions of service during which the electric utility will notify appropriate fire departments regarding such interruptions in its emergency plan.

4901:1-10-08(A)(15)(b): Removed regulatory restriction requiring electric utilities to include the policy to identify major interruptions of service during which the electric utility will notify appropriate police departments regarding such interruptions in its emergency plan.

4901:1-10-08(A)(15)(b): Removed regulatory restriction requiring electric utilities to include the policy to identify major interruptions of service during which the electric utility will notify appropriate public officials regarding such interruptions in its emergency plan.

4901:1-10-08(A)(15)(c): Removed regulatory restriction requiring electric utilities to include the policy to determine appropriate mutual assistance and communication methodologies that will be used during major restoration efforts in its emergency plan.

4901:1-10-08(A)(16)(d) Removed regulatory restriction requiring the electric utility to identify essential employees and critical inputs by location and function.

4901:1-10-08(A)(16)(e): Removed regulatory restriction requiring electric utilities to include the policy to address personal protection initiatives in the operations plan of its emergency plan.

4901:1-10-08(A)(16)(f): Removed regulatory restriction requiring electric utilities to include the policy to maintain lines of communication with the Commission during a declared emergency in the operations plan of its emergency plan.

4901:1-10-08(A)(17): Removed regulatory restriction requiring electric utilities to include the policy for conducting an after-action assessment following activation of the emergency plan in its emergency plan.

4901:1-10-08(E): Removed regulatory restriction requiring each utility to establish and maintain policy to train its operating personnel regarding emergency procedures.

4901:1-10-08(E): Removed regulatory restriction requiring each utility to establish and maintain policy to train its emergency response personnel regarding emergency procedures.

4901:1-10-08(G)(1)(c): Removed regulatory restriction requiring each electric utility to submit the fax numbers of its emergency contacts at the direction of the Commission's outage coordinator.

4901:1-10-08(G)(2): Removed regulatory restriction requiring each electric utility to submit all revisions to its emergency plan at the direction of the Commission's outage coordinator.

4901:1-10-08(G)(2): Removed regulatory restriction requiring each electric utility to submit all updates to its emergency plan at the direction of the Commission's outage coordinator.

4901:1-10-08(J)(1): Removed regulatory restriction requiring each electric utility to invite mayors to its required comprehensive emergency exercise to test and evaluate major components of its emergency plan.

4901:1-10-08(J)(1): Removed regulatory restriction requiring each electric utility to invite other elected officials to its required comprehensive emergency exercise to test and evaluate major components of its emergency plan.

4901:1-10-08(J)(2): Removed regulatory restriction requiring each electric utility to invite county/regional emergency management directors to its required comprehensive emergency exercise to test and evaluate major components of its emergency plan.

4901:1-10-08(J)(3): Removed regulatory restriction requiring each electric utility to invite fire departments to its required comprehensive emergency exercise to test and evaluate major components of its emergency plan.

4901:1-10-08(J)(3): Removed regulatory restriction requiring each electric utility to invite police departments to its required comprehensive emergency exercise to test and evaluate major components of its emergency plan.

4901:1-10-08(J)(4): Removed regulatory restriction requiring each electric utility to invite community organizations to its required comprehensive emergency exercise to test and evaluate major components of its emergency plan.

4901:1-10-08(J)(5): Removed regulatory restriction requiring each electric utility to invite the Commission's outage coordinator to its required comprehensive emergency exercise to test and evaluate major components of its emergency plan.

4901:1-10-08(K)(5): Removed regulatory restriction stating that a request to waive the emergency plan testing requirement shall be deemed to have been granted if the Commission fails to act upon the waiver request within 60 calendar days.

C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.

D. Please justify the adoption of the new regulatory restriction(s).

4901:1-10-08(J): Added regulatory restriction requiring each electric utility to invite a cross-section of necessary stakeholders to its required comprehensive emergency exercise to test and evaluate major components of its emergency plan.