

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 4901:1-15-04

Rule Type: Amendment

Rule Title/Tagline: Notice and public hearing.

Agency Name: Public Utilities Commission of Ohio

Division: Utilities

Address: 180 East Broad Street Columbus OH 43215-3793

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I. Rule Summary

1. **Is this a five year rule review?** Yes
 - A. **What is the rule's five year review date?** 4/7/2023
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. 4905.04
5. **What statute(s) does the rule implement or amplify?** R.C. 4905.48, R.C. 4905.20, R.C. 4905.21, R.C. 4933.25
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?**

R.C. 121.951(A)(1) rules reduction and Five-year review
8. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

This rule describes the procedural process for applications or certificates of public convenience and necessity, including notice and public hearing requirements.

Several amendments to these proposed rules are made pursuant to Ohio Revised Code 121.951(A)(1) that requires state agencies to reduce their total number of regulatory restrictions. In addition, other amendments to these proposed rules are pursuant to the Commission's obligation to conduct a five-year review of its administrative rules under R.C. 111.15(B) and R.C. 106.03(A).

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.**

Incorporates references to other rules within this Chapter and the Ohio Adm.Code, which is readily available online.

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 have no impact on revenues or expenditures.

n/a

n/a

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

n/a

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.

n/a

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? No
 - A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No
 - 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? No
 - C. Does this rule require specific expenditures or the report of information as a condition of compliance? No
 - 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? No

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? 0
 - B. How many existing regulatory restrictions do you propose removing from this rule? 27

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cases involving an application by a waterworks company for a certificate of public convenience and necessity, an application to amend a certificate, an application to transfer a certificate, or an application for abandonment of a certificate.

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4901:1-15-04(A): Removed regulatory restriction that this rule shall govern the conduct of hearings where directed by the commission to be held in cases involving an application by a sewage disposal company for a certificate of public convenience and necessity, an application to amend a certificate, an application to transfer a certificate, or an application for abandonment of a certificate.

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4901:1-15-04(C)(3): Removed regulatory restriction regarding entries accepting applicants directing the manner in which notice shall be accomplished.

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4901:1-15-04(D): Removed regulatory restriction that in cases involving an application for abandonment of water service, notice shall be as provided for in paragraph (C) of this rule,

4901:1-15-04(D): Removed regulatory restriction that in cases involving an application for abandonment of water service, the conduct of a hearing shall be as provided for in paragraph (C) of this rule.

4901:1-15-04(D): Removed regulatory restriction, in cases involving an application for abandonment of water service, regarding exception to rule that notice shall be by newspaper publication

4901:1-15-04(D): Removed regulatory restriction, in cases involving an application for abandonment of water service, regarding exception to rule that notice by newspaper publication shall occur once a week for four consecutive weeks in a newspaper of general circulation in any county which has granted a franchise to the applicant utility company.

4901:1-15-04(D): Removed regulatory restriction, in cases involving an application for abandonment of water service, regarding exception to rule that notice by newspaper publication shall occur once a week for four consecutive weeks in a newspaper of general circulation in any municipal corporation which has granted a franchise to the applicant utility company.

4901:1-15-04(D): Removed regulatory restriction that in cases involving an application for abandonment of sewage disposal system service, notice shall be as provided for in paragraph (C) of this rule,

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- 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).**

Not Applicable